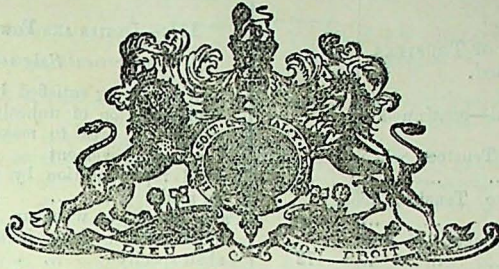


THE



Bombay Government Gazette

Published by Authority.

SATURDAY, 29TH JANUARY 1898.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

(To be translated into Maráthi and Gujaráti and the translations to be published in the "Bombay Government Gazette." The dates of publication to be reported.)

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 22 of the Rules for the conduct of business at Meetings of the Council of His Excellency the Governor of Bombay for making Laws and Regulations:—

Bombay Bill No. I of 1898.

The City of Bombay Improvement Bill, 1898.

TABLE OF CONTENTS.

	Section.		Section.
I.—PRELIMINARY.		II.—OF THE BOARD OF TRUSTEES —continued.	
Title, extent and commencement ..	1 (1)	<i>Constitution of Board</i> —continued.	
Saving the provisions of the Indian Railways Act	2 (2)	Elective Trustees to be elected by the Corporation, the Chamber of Commerce, and Trustees of the Port of Bombay	5
Definition of terms	2	Qualification for election as Trustee ..	6
II.—OF THE BOARD OF TRUSTEES.		Report to be made of election ...	7
<i>Constitution of Board.</i>		Procedure in event of default to elect... ..	8
Board charged with execution of this Act	3	Appointment of nominee Trustees and the Chairman	9
Constitution of Board	4		

	Section.		Section.
II.—OF THE BOARD OF TRUSTEES		III.—DUTIES AND POWERS.	
<i>—continued.</i>		<i>Improvement Schemes.</i>	
<i>Constitution of Board—continued.</i>		Board on being satisfied by official representation of unhealthiness of district or area to make scheme for its improvement	25
Term of office of first Trustees when to commence	10	Official representation by whom to be made	26
Nominee and elective Trustees to retire by rotation	11	Particulars as to what an improvement scheme may include and shall specify	27
Election and appointment of first Trustees	12	Considerations which shall prevail in making scheme	28
Chairman to hold office during the pleasure of Government	13	Procedure on completion of scheme .	29
Trustees to be re-eligible	14	Publication of notices	" (a)
Casual vacancies	15 (1)	Service of notices on owners of property to be acquired in executing scheme	" (b)
Acting Trustees for periods exceeding 3 months	" (2)	Board after publication and service of notices to revise scheme and forward it to Government for sanction	30 (1)
Saving provision for acting appointment when necessary for less than 3 months	" (3)	Particulars to be furnished to Government	" (2)
<i>Disqualification of Trustees.</i>		On receipt of sanction declaration to be published giving particulars of land to be acquired and on publication of such declaration Board to proceed to execute scheme ...	31 (1)
Causes which disqualify	16 (1)	Board to have power to alter or modify any part of the scheme ...	" (2)
Proviso	" (2)	<i>Street Schemes.</i>	
Grounds on which Trustees shall vacate office	17 (1)	Board to have power to make a street formation scheme	32
Proviso	" (2)	Particulars which shall accompany street formation schemes	33
Restriction on power of Trustees to vote or discuss matters in which they are interested	" (3)	Procedure on the completion of a street formation scheme	34
<i>Salaries of Trustees.</i>		<i>Reclamation Schemes.</i>	
Government to determine salary of Chairman	18	Board to have power to make a reclamation scheme	35
Fees to which Trustees other than the Chairman shall be entitled ...	19	Particulars which shall accompany a reclamation scheme	36
<i>Proceedings of Board.</i>		Procedure on the completion of a reclamation scheme	37
Provisions concerning the Board's proceedings	20	<i>Police Accommodation Schemes.</i>	
Vacancy not to affect proceedings ...	" (1)	Board to have power to make a Police accommodation scheme ...	38
Board to meet and arrange for transaction of business as they think fit	" (2)	Particulars which shall accompany Police accommodation scheme ...	" (1), (2)
There must be an ordinary meeting once a fortnight or	" (a)	Procedure on the completion of a Police accommodation scheme ...	39
A special meeting whenever necessary	" (b)	Buildings on completion to be leased to Government on certain terms...	40
Eight Trustees shall form a quorum.	" (c)	<i>General.</i>	
Chairman to preside at every meeting	" (d)	Minimum width of new streets	
All questions must be decided by a majority of votes	" (e)	Proviso in case of garden or open spaces being reserved on one or both sides of a street	41 (1)
Poll may be demanded	" (f)	Streets on completion to vest in and be maintained by the Corporation .	" (2)
Minutes must be kept	" (g)	Open spaces reserved for ventilation to vest in and be maintained by the Corporation	" (3)
Board may delegate power to Committees	" (3)	Disputes under this section to be determined by Government	" (4)
Chairman to be President of every Committee	" (4)		
Committees when to meet	" (5)		
Questions in Committee to be decided by majority of votes: two-thirds of the members to form a quorum.	" (6)		
Acts of Board, &c., not be invalidated by informalities	" (7)		
Mode of executing contracts	21		
Power to compound for breach of contract	22		
<i>The Chairman.</i>			
Duties of Chairman	23		
Leave of absence and appointment of acting Chairman; grant of leave and acting allowances	24		

	Section.		Section.
III.—DUTIES AND POWERS— <i>contd.</i>		V.—PROPERTY AND LIABILITIES	
<i>Acquisition of Land.</i>		— <i>continued.</i>	
Board to have power to acquire lands by agreement	42	<i>Transfer of Property to the Board</i>	
Extent to which Land Acquisition Act shall apply to acquisition of land otherwise than by agreement ...	43 (1), (2), (3), (4)	— <i>continued.</i>	
Board to be deemed to be local authority under Land Acquisition Act ...	43 (5)	Revesting of property in Government and Corporation respectively on the termination of leases granted by the Board.	51
Constitution of Tribunal of Appeal to perform the function of the Court	43 (6)	<i>General Powers as to Property.</i>	
Special provisions as to compensation. Collector to take possession after making award and transfer land to the Board	44	Power to the Board to acquire and hold property	55
IV.—BORROWING POWERS.		Application of the sale-proceeds of lands or buildings vested in Board.	56
Power to borrow from Government or other persons	45	Power to apply certain lands vested in the Board to the purposes of any scheme under the Act	57
Government to direct manner in which money shall be borrowed from other persons	46	Adjustment of value of lands so applied	53
Interest on debenture loans to form charge prior to interest due to the Secretary of State or Corporation ...	47	<i>Liabilities.</i>	
Provision for sinking fund to repay money borrowed	48	Particulars of capital debts due by the Board to Secretary of State and Corporation	59 (1)
Dates fixed for investment of sinking funds in public securities	49	No interest to be charged on capital debt on account of Government lands reserved as open spaces save as provided in Section 69 (3) ...	„ (2) (a)
Period over which loans may extend ...	50	Liability for interest on debt on account of other Government lands and lands belonging to the Corporation	„ „ (b)
Form of securities	51	Proviso enabling Government to defer date for commencement of liability for interest	„ „ (1)
Board to have power to take advances from Banks to the extent of any loan sanctioned by Government ...	52	Proviso as to reduction in amount of debt on the expiry of the leases or otherwise.	
V.—PROPERTY AND LIABILITIES.		Capital debt due to Secretary of State to include certain expenditure incurred by Government and the preliminary expenses of the Act ...	60
<i>Transfer of Property to the Board.</i>		Board to have free enjoyment of rents and profits from reclaimed areas for first 30 years and thereafter pay interest on market value minus the cost of reclamation ...	61
Particulars of property vested in Board	53	Definition of terms “market value” and “cost of reclamation” for purposes of last preceding section ...	62
Government vacant lands to be reserved as open spaces	„ (i)	VI.—REVENUE AND EXPENDITURE.	
Other Government vacant lands and land belonging to the Corporation ...	„ (ii)	<i>Contribution from Municipal Fund.</i>	
Proviso as to aggregate term for which such lands may be leased by the Board	„ „ (1)	Board to have power to levy a yearly contribution from the Municipal fund in two instalments	63 (1)
Proviso as to power of Government and the Corporation to resume lands required for a public or Municipal departmental purpose respectively	„ „ (2)	The first to be a lump sum not exceeding 2 per cent. on the total rateable value of buildings and lands in the City; the second to be determined by a division of accounts	„ (2)
Reclamation rights of the Board	„ (iii)	Particulars of credits to be taken into account in making the division	„ „ (a)
Proviso as to delay in exercising such rights	„ „ (1)	Particulars of the debits to be taken into such account	„ „ (b)
Proviso as to power of Government to take possession of any reclaimed land required for a public purpose ...	„ „ (2)	Proviso in event of default in payment of contribution and as to determination of disputes.	
Proviso giving Government power to require their previous sanction to anything likely to injuriously affect the security of the defences or sanitary condition of troops	„ „ (3)		
Proviso that no building shall be erected in vicinity of Batteries within limits to be determined by the Government of India	„ „ (4)		
Proviso that the Board shall have no claim for damages in respect of orders issued under two last preceding provisos	„ „ (5)		

	Section.		Section.
VI.—REVENUE AND EXPENDITURE —continued.		VI.—REVENUE AND EXPENDITURE —continued.	
<i>Payments by Government.</i>		<i>Audit of Accounts.</i>	
Government to pay to the Board the profits from certain lands realised subsequently to August 1897 ...	64	Accounts to be audited and examined by Government auditors twice in every year ...	79
<i>Division of Accounts.</i>		Auditors may require production of documents.	
Cost of management for certain period to be charged to capital and thereafter apportioned between capital and revenue ...	65 (1)	Their remuneration to be fixed by Government.	
Capital account to show expenditure on each scheme and on the improvement of Government and Corporation lands and on reclamations separately ...	„ (2)	Their report together with an abstract of the accounts to be published in the <i>Government Gazette</i> .	
All receipts by the Board to be credited to the General Account...	66	VII.—OF THE OFFICERS AND SERVANTS OF THE BOARD.	
Particulars of charges to be debited to the General Account and power to advance sums standing to the credit of that account to meet current capital expenditure ...	67	<i>Strength of the Staff.</i>	
The General Account to distinguish between items in respect of Government lands, Corporation lands and reclamations ...	68	Schedule of the officers and servants and their pay and allowances to be sanctioned by the Board ...	80
<i>Disposal of Balances.</i>		Certain classes not to be deemed officers and servants except for certain purposes.	
Credit balances to be applied to meet current capital expenditure or to the reduction of debt on account of loans ...	69 (1)	Boards to frame regulations for—	81
Debit balances to be charged to capital. Proviso as to the division of profits after the tenth year ...	„ (2)	Regulating grant of leave...	„ (1)
<i>Guarantee for fulfilment of Liabilities.</i>		Authorizing payment of leave allowances ...	„ (2)
Procedure in event of default being made by the Board in payment of interest or investment of sinking fund charges ...	70	Determining amount of acting allowances ...	„ (3)
Procedure in event of Commissioner failing to make payment as required by last preceding section ...	71	Regulating period of service ...	„ (4)
Government to have power to attach revenues of Board in the event of default in payment of liabilities ...	72	Determining condition of grant of pensions ...	„ (5)
<i>Annual Estimates.</i>		Authorizing contributions to Provident Funds ...	„ (6)
Chairman to frame an annual estimate of income and expenditure ...	73	Determining conditions of grant of wound pensions or compassionate allowances ...	„ (7)
Board to sanction or amend such estimates ...	74	<i>Powers of Appointment, &c.</i>	
Estimates to be submitted to Government for sanction ...	75	Appointments, &c., by whom to be made ...	82
Transitory provision for submission and treatment of first estimates after date of constitution of the Board...	76	Orders affecting pay, &c., of certain officers to be subject to the sanction of Government ...	83
Supplementary estimates may be prepared and submitted when necessary ...	77	“Engineer” defined.	
No sum exceeding Rs. 5,000 to be spent unless included in some estimate save in cases of pressing emergency or to meet Court decrees.	78	VIII.—BYE-LAWS.	
		Board empowered to make Bye-laws.	84
		Approval and publication of Bye-laws.	85
		Penalties for infringement of Bye-laws	86
		Bye-laws to be exhibited ...	87
		IX.—PENALTIES.	
		For being interested in contracts with the Board ...	88
		For obtaining illegal gratification ...	89
		For refusing or neglecting to appear before an auditor of accounts, &c.,	90
		Cognizance of offences against this Act ...	91
		X.—MISCELLANEOUS.	
		Provision when day appointed for any purpose is a Sunday or public holiday ...	92
		Measurement of distances ...	93
		Limitation of suits ...	94

SCHEDULES.

A.—Portions of Land Acquisition Act, 1894, regulating the acquisition of land under this Act.

B.—Form of debenture.

C.—Lands the property of Her Majesty vested in the Board—

Part I.—Lands to be reserved as open spaces.

Part II.—Other lands.

D.—Lands the property of the Corporation vested in the Board.

E.—Showing limits within which the right to reclaim the bed of the sea vests in the Board.

F.—Lands held on leases granted by Government between 1st September 1897 and the date of the constitution of the Board.

Bill No. I of 1898.

A Bill for the improvement of the City of Bombay and to provide space for its future expansion.

WHEREAS it is expedient to make provision for the improvement and for the future expansion of the City of Bombay, by forming new and altering existing streets, by removing or altering insanitary buildings in certain areas, by providing open spaces for better ventilation and for recreation, by constructing new sanitary dwellings for certain classes of the inhabitants of the said City and for the Presidency Police, by laying out vacant lands and by reclaiming and laying out parts of the foreshore of the Island of Bombay; and whereas it is expedient that a Board of Trustees should be appointed and endowed with special powers to carry out the aforesaid purposes in the manner and subject to the restrictions and conditions hereinafter specified; and whereas it is proposed that certain lands and reclamation rights shall be vested in the Board in the manner hereinafter appearing and the plans of such last mentioned lands have been deposited with the Collector of Bombay and are hereinafter referred to as the deposited plans; It is enacted as follows:—

I.—PRELIMINARY.

1. (1) This Act may be called the
“City of Bombay
Improvement Act,
1898.”

Title, extent and commencement.

(a) It extends only to the City of Bombay.

(b) It shall come into force immediately on the passing thereof.

(2) Nothing in this Act shall be deemed to affect the provisions of the Indian Railways Act, 1890.

Saving the provisions of the Indian Railways Act.

2. In this Act, unless there be something repugnant in the subject or context, words shall be deemed to have the

Definition of terms.

meaning ascribed to such words under the City of Bombay Municipal Act, 1888, as from time to time amended, hereinafter referred to as “the Municipal Act”:

Provided that the definition of the word “street” shall be read as if the words following the words “thoroughfare or not” were omitted.

Provided also that in the construction of the provisions of Part III of this Act and of Sections 53 and 54, the word “land” shall, unless there be something repugnant in the subject or context, be deemed to have the meaning ascribed to it in the Land Acquisition Act, 1894.

II.—OF THE BOARD OF TRUSTEES.

Constitution of Board.

3. The duty of carrying out the provisions

Board charged with execution of this Act.

of this Act shall, subject to such conditions and limitations

as are hereinafter contained, be vested in a Board, to be called “The Trustees for the Improvement of the City of Bombay”; and such Board, hereinafter referred to as “the Board,” shall be a body corporate and have perpetual succession and a common seal, and shall sue and be sued by the name first aforesaid.

4. The Board shall consist of thirteen members, that is to

Constitution of Board. say, of three *ex-officio* Trustees, six elective Trustees, three nominee Trustees, and a Chairman.

The *ex-officio* Trustees shall be—

(1) the General or other Military Officer Commanding Bombay District,

(2) the Collector or Acting Collector, and

(3) the Commissioner.

5. Of the elective Trustees four shall be elected by the mem-

Elective Trustees to be elected by the Corporation, the Chamber of Commerce, and Trustees of the Port of Bombay.

bers for the time being of the Corporation, subject to the provisions of Section 6, at a meeting of the members of the

Corporation, under rules similar to those

which from time to time apply to the appointment of members of the Standing Committee of the Corporation. One shall be elected by the members for the time being of the Bombay Chamber of Commerce, subject to the provisions of Section 6, under rules similar to those which from time to time apply to the election of elective Trustees of the Port of Bombay. One shall be elected by the Trustees for the time being of the Port of Bombay, subject to the provision of Section 6, in such manner as shall from time to time be determined by the last-mentioned Trustees at a meeting to be held prior to such election.

6. A person shall not be qualified to be elected to be an elective Trustee unless he is at the time of the election a member of the Corporation, a member of the Chamber of Commerce, or a Trustee of the Port of Bombay, as the case may be.

Qualification for election as Trustee.

7. Upon the election of any Trustee or Trustees, the President of the Corporation, or the Chairman of the Chamber of Commerce, or the Chairman of the Port Trustees, as the case may be, shall forthwith make a return to Government of the name or names of the person or persons elected as aforesaid, and such return shall be published in the *Bombay Government Gazette*.

Report to be made of election.

8. In the event of default being made by the Corporation, or the Chamber, or the Port Trustees, in electing any Trustee under the foregoing provisions within the period hereinafter prescribed in this behalf, it shall be lawful for Government, by notification in the *Bombay Government Gazette*, to nominate a person, and the person so nominated shall be deemed to be a Trustee as if he had been duly elected by the Corporation, the Chamber, or the Port Trustees, respectively.

Procedure in event of default to elect.

9. The nominee Trustees and the Chairman shall be appointed by Government by notification in the *Bombay Government Gazette*.

Appointment of nominee Trustees and the Chairman.

10. The term of office of the first nominee and elective Trustees shall commence on such date as shall be notified in this behalf by Government.

Term of office of first Trustees when to commence.

11. The first nominee Trustees and three of the first elective Trustees shall, unless they become in the meantime disqualified, hold office up to and inclusive of the 31st day of March next succeeding the date on which their term of office shall commence, the selection of the said three Trustees being made by lot at such time and in such manner as the Chairman shall determine. The remaining three of the first elective Trustees shall hold office until and inclusive of the 31st day of March next following the 31st day of March aforesaid.

In every other case the nominee and elective Trustees shall, unless they become in the meantime disqualified, hold office for a term of two years.

12. The first elective Trustees shall be elected on some day not later than a fortnight previous to the date which shall be notified under Section 10, and the first nominee Trustees shall be appointed on some day during the said fortnight; in every other case elective Trustees shall be elected on some day not earlier than the first and not later than the fifteenth day of the month of March next preceding the 1st of April from which their term of office is to commence; and nominee Trustees shall be appointed on some day in the remainder of the said month of March.

Election and appointment of first Trustees.

13. The Chairman shall hold office during the pleasure of Government: Provided that he does not in the meantime cease, through disqualification, to be a Trustee.

Chairman to hold office during the pleasure of Government.

14. Any person, on ceasing to be a Trustee, shall, unless disqualified under Section 16, be re-eligible.

Trustees to be re-eligible.

15. (1) Any casual vacancy in the office of a Trustee other than the Chairman occasioned by the death, resignation or disqualification of such Trustee shall be filled up within one month by Government, if the office vacated was that of a nominee Trustee, or by the Corporation, the Chamber of Commerce or Port Trustees, respectively, if it was that of

Casual vacancies.

an elective Trustee, in the same manner and subject, so far as may be, to the same provisions as are applicable in the case of original appointments and elections of Trustees: Provided that the Trustee so chosen shall retain his office so long only as the vacating Trustee would have retained the same, if such vacancy had not occurred.

Acting Trustees for periods exceeding three months. (2) If a Trustee—

- (a) departs from Bombay with an intention of being absent for a period exceeding three months; or
- (b) becomes from any cause unable to attend the meetings of the Board for a period exceeding three months; or
- (c) has been absent from Bombay for a period exceeding three months;

a person shall be elected or appointed to act for such Trustee during his absence or inability or until he shall cease to be a Trustee, and the person so acting shall be deemed for all the purposes of this Act to be a Trustee.

- (3) Nothing in the last preceding section shall prevent a person being elected or appointed for a less period than three months in the place

Saving provision for acting appointment when necessary for less than three months.

of an absent Trustee at the discretion of Government in case the absentee is a nominee Trustee, and on the application of the Board to the elective body concerned if the absentee is an elective Trustee.

Disqualification of Trustees.

16. (1) No person shall be qualified to be a Trustee if such person—

- (a) is an uncertificated bankrupt or insolvent; or
- (b) has been sentenced to imprisonment for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed; or
- (c) holds any office or place of profit under the Board; or
- (d) has directly or indirectly, by himself or his partner, any share or interest in any contract or employ-

ment with, by, or on behalf of the Board.

(2) But a person shall not be so disqualified, or be deemed to have any share or interest in such contract or employment, by reason only of his having a share or interest in—

- (e) any lease, sale, exchange or purchase of immoveable property or any agreement for the same; or
- (f) any agreement for the loan of money, or any security for the payment of money only; or
- (g) any newspaper in which any advertisement relating to the affairs of the Board is inserted; or
- (h) any joint-stock company which shall contract with, or be employed by, or on behalf of, the Board; or
- (i) the occasional sale to the Board, to a value not exceeding two thousand rupees in any one official year, of any article in which he trades; or
- (k) any contract which has been specially authorized by the Governor in Council.

Grounds on which Trustees shall vacate office.

17. (1) Any Trustee who—

- (a) becomes disqualified for any of the reasons mentioned in the last preceding section; or
- (b) is absent from or unable to attend the meetings of the Board for a period exceeding twelve consecutive months, or is absent without the permission of the Board from six consecutive ordinary meetings of the Board; or
- (c) acts in contravention of the provisions of the next succeeding subsection; or
- (d) being an elective Trustee shall cease to be a member of the Corporation, or of the Chamber of Commerce, or a Trustee of the Port of Bombay, as the case may be,

shall cease to be a Trustee, and his office shall thereupon become vacant:

Provided that clause (d) shall not be deemed to apply to a member of the Corporation or a Port Trustee who shall upon ceasing to be such member or such Trustee, as the case may be, be forthwith re-appointed or re-elected as such member or Trustee.

(2) A Trustee shall not at any meeting of the Board or a Committee thereof take part in the discussion of, or vote on, any matter in which he has directly or indirectly, by himself or his partner, any share or interest such as is described in the second subsection of Section 16, or in which he is interested either professionally on behalf of a client or as agent for any person.

Salaries of Trustees.

18. The Chairman shall receive such salary as Government shall from time to time determine.

19. Every Trustee other than the Chairman who shall attend a meeting at which a quorum is present and business is transacted, and which he attends from the beginning to the end thereof, shall be entitled to a fee of—

Rs. 30 for every ordinary meeting of the Board, provided that if such meeting is adjourned or more than one ordinary meeting is held in any one week no more than Rs. 30 shall be paid to any Trustee for his attendance at all such meetings during that one week.

Rs. 30 for every special meeting of the Board convened under clause 2 (b) of the next succeeding section.

Rs. 15 for every special meeting of a Committee of which such Trustee attending is a member, convened under clause (5) of the next succeeding section, provided that such special meeting of a Committee is not held upon the same day in continuation of or preparatory to an ordinary or special meeting of the Board for which he is entitled to a fee under either of the preceding clauses.

Proceedings of Board.

20. The following provisions shall be observed with respect to the proceedings of the Board (namely):—

Provisions concerning the Board's proceedings.

(1) During any vacancy in the Board, the continuing Trustees may act as if no vacancy had occurred.

Vacancy not to affect proceedings.

(2) The Board shall meet together and shall from time to time make such arrangements, not inconsistent with this Act, with respect to the place, day, hour, notice, management, and adjournment of such meetings, and generally with respect to the transaction of business, as they think fit, subject to the following conditions (namely):—

(a) that an ordinary meeting shall be held once at least in every month;

(b) that the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than three Trustees, call a special meeting;

(c) that no business shall be transacted at any meeting unless at least eight Trustees are present from the beginning to the end of such meeting;

(d) that every meeting shall be presided over by the Chairman, if he is present at the time appointed for holding the same, and if he is absent, by such one of the Trustees present as may be chosen by the meeting;

(e) that all questions shall be decided by a majority of votes of the Trustees present, the President having a second or casting vote in all cases of equality of votes;

(f) that if a poll be demanded, the names of the Trustees voting and the nature of their votes shall be recorded by the President;

(g) that minutes shall be kept of the names of the Trustees present and of the proceedings at each meeting in a book to be provided for this purpose, which shall be signed at the next ensuing meeting by the President of such meeting, and shall be open to inspection by any Trustee during office hours.

Minutes must be kept.

Minutes must be kept.

Minutes must be kept.

Minutes must be kept.

Minutes must be kept.

Minutes must be kept.

Minutes must be kept.

(3) The Board may delegate any of their powers to Committees consisting of the Chairman and such other Trustees as they think fit; any Committee so formed shall conform to any instructions that may from time to time be given to them by the Board, and the Board may at any time discontinue or alter the constitution of any Committee so formed.

(4) The Chairman shall be the President of every such Committee; if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be President of such meeting.

(5) Committees may meet and adjourn as they think proper, but the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than two members of a Committee, call a special meeting of such Committee.

(6) Questions at any meeting of a Committee shall be decided by a majority of votes of the members present, and in case of an equal division of votes the President of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the Committee are present from the beginning to the end thereof.

(7) No act of the Board, or of any Committee, or of any person acting as Trustee, shall be deemed to be invalid by reason only of some defect in the appointment of such Board, Committee or Trustee, or on the ground that they, or any of them, were disqualified for the office of Trustee.

21. The Chairman may, on behalf of the Board, enter into any contract or agreement, whereof the value or amount shall not exceed one thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf; but every other contract and agreement on behalf of the Board shall

be in writing, and shall be signed by the Chairman and by two other Trustees, and shall be sealed with the common seal of the Board. No contract or agreement unless executed as is in this section provided shall be binding on the Board.

22. The Board may compound or promise for or in respect of any claim or demand arising out of any contract entered into by them under this Act, or in respect of any action or suit instituted by or against them, for such sum of money or other compensation as they shall deem sufficient.

The Chairman.

Duties of Chairman. 23. The Chairman shall—

- (1) attend every meeting of the Board, unless prevented by sickness or other reasonable cause;
- (2) exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration, and in matters concerning the accounts and records of the Board; and, subject to the regulations at the time being in force framed by the Board under Section 81, dispose of all questions relating to the service of the said officers and servants, and their pay, privileges, and allowances;
- (3) furnish to Government a copy of the minutes of any of the Board's proceedings, and any returns or other information which Government may from time to time call for.

24. Government may from time to time grant to the Chairman such leave of absence as they may deem fit, and any person whom Government appoint to act

Leave of absence and appointment of acting Chairman; grant of leave and acting allowances.

for the Chairman during any such absence on leave shall, while so acting, be deemed for all the purposes of this Act to be the Chairman.

The allowance, if any, which Government direct to be paid to the Chairman during his absence on leave, and the salary which Government direct to be paid to the person appointed to act for him, shall be charged in the manner directed by Section 65.

III.—DUTIES AND POWERS.

Improvement Schemes.

25. When an official representation as hereinafter mentioned is made to the Board that within certain limits in any part of the City either—

- (a) any houses or buildings used, or intended or likely to be used, for human habitation, are unfit for human habitation, or
- (b) the narrowness, closeness and bad arrangement, or the bad condition, of the streets and houses or buildings, or groups of houses or buildings, within such limits, or the want of light, air, ventilation, or proper conveniences, or any other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings within the area of such limits, or of the neighbouring buildings;

and that the evils connected with such houses or buildings and the sanitary defects in such area cannot be effectually remedied otherwise than by an improvement scheme for the re-arrangement and reconstruction of the streets, houses and buildings within such area, or of some of such streets, houses or buildings; the Board shall take such representation into their consideration, and if satisfied of the truth thereof, and of the sufficiency of their resources, shall pass a resolution to the effect that such area is an unhealthy area, and that an improvement scheme ought to be made in respect of such area, and after passing such resolution they shall forthwith proceed to make a scheme for the improvement of such area :

Provided always that any number of such areas may be included in one improvement scheme.

26. (1) An official representation for the purposes of this Act shall mean a representation made to the Board by the Commissioner.

(2) Such representation may be made by the Commissioner of his own motion, and shall be made by the Commissioner—

- (a) on the written complaint of the Municipal Executive Health Officer;
- (b) on the written complaint signed by three or more Justices residing

within the area in respect of which the complaint is made;

- (c) on the written complaint signed by twelve or more persons liable to pay any property tax leviable under the Municipal Act and residing within the ward comprising the area in respect of which the complaint is made.

Particulars as to what an improvement scheme may include and shall specify.

27. (1) The improvement scheme shall be accompanied by maps and particulars, and—

- (a) may exclude any part of the area in respect of which an official representation is made, or include any neighbouring lands, if the Board are of opinion that such exclusion or inclusion is expedient;
 - (b) may provide for forming new streets or for altering, widening, diverting, raising, re-arranging or re-constructing existing streets within or without the unhealthy area;
 - (c) may provide for the acquisition in addition to the land required for the purposes of the last preceding clause of any land, with the buildings, if any, standing thereon, fronting or abutting on such intended or existing street, which it shall seem expedient to the Board to acquire and for the raising and levelling up of such additional land;
 - (d) may provide for raising any low-lying lands within the unhealthy area;
 - (e) may provide for the acquisition, with or without the site thereof, of any building in respect of which the Chief Presidency Magistrate shall have passed a prohibitory order under Section 378 of the Municipal Act;
 - (f) may provide for constructing dwellings for the poorer and working classes including the whole or part of such classes displaced by the scheme, and for acquiring, raising and levelling up any land required for such purpose within or without the unhealthy area;
 - (g) may provide for forming open spaces for the better ventilation of the unhealthy area; and
 - (h) may provide for the whole or any part of the sanitary arrangements required within the unhealthy area.
- (2) The scheme shall specify the lands to be acquired.

28. In making an improvement scheme for any area, regard shall be had to the conditions and nature of neighbouring parts of the City and of the City as a whole, and to the likelihood of improvement or street schemes being required for the neighbouring and other parts of the City.

29. Upon the completion of an improvement scheme the Board shall—

(a) during three consecutive weeks publish simultaneously in the *Bombay Government Gazette*, and in some one or more and the same English and some two or more and the same vernacular newspapers circulating within the City, a notice stating the fact of a scheme having been made, the limits of the area comprised therein, and naming a place where a copy of the scheme and of the map thereof may be seen at all reasonable hours; and

(b) during the month next following the first day on which such notice is published, serve a notice on every person whose name appears in the Commissioner's Assessment-book as primarily liable for the payment of the property taxes leviable under the Municipal Act on any land or building proposed to be acquired by the Board in executing the scheme, stating that such land or building is proposed to be acquired by the Board for the purpose of an improvement scheme, and requiring an answer stating whether the person so served dissents or not in respect of the acquisition of such land, and if the person dissents the reasons of such dissent, within 30 days from the date of service of the notice.

Such notice shall be signed by, or by the order of, the Chairman and shall be served—

- (i) by delivery of the same personally to the person required to be served, or if such person is absent or cannot be found, to his agent, or if no agent can be found, then by leaving the same on the land or building; or,
- (ii) by leaving the same at the usual or last known place of abode of such person as aforesaid; or,
- (iii) by post addressed to the usual or last known place of abode of such person.

30. (1) Upon compliance with the foregoing provisions with respect to the publication and service of notice of the scheme, the Board shall revise the scheme as they may think fit and shall apply to Government for sanction.

(2) The application for sanction shall be accompanied by—

- (a) a copy of the scheme;
- (b) complete plans and estimates of the cost of executing the scheme;
- (c) a copy of the preliminary scheme;
- (d) a schedule specifying the lands proposed to be acquired for the purposes of the scheme;
- (e) a list of the names of the persons, if any, who in answer to the before-mentioned notices dissented, with the reasons (if any) stated by such persons for such dissent, in respect of the acquisition of their lands;
- (f) a schedule showing the rateable value, as entered in the Commissioner's Assessment-book of the preceding official year, of all lands and buildings specified in the schedule under clause (d) and of all lands and buildings of which the whole or any part is situated within 80 feet from either side of the line of any new street to be formed in executing the scheme; and
- (g) by such evidence as the Board may think necessary.

31. (1) On receipt of the sanction of Government, the Chairman shall forward a declaration for notification under the signature of a Secretary to Government, stating the fact of such sanction and

that the land proposed to be acquired by the Board for the purposes of the scheme is required for a public purpose.

The declaration shall be published in the *Bombay Government Gazette* and shall state the limits within which the land proposed to be acquired is situate, the purpose for which it is needed, its approximate area, and the place where a plan of the land may be inspected.

The said declaration shall be conclusive evidence that the land is needed for a public purpose, and the Board shall,

upon the publication of the said declaration, proceed to execute the scheme.

(2) If at any time it appears to the

Board to have power to alter or modify any part of the scheme.

Board that an improvement can be made in any part of the scheme, the Board

may alter or modify the scheme for the purpose of making such improvement, and shall, subject to the provisions contained in the next two clauses of this section, forthwith proceed to execute the scheme as altered or modified.

If the estimated net cost of executing the scheme as altered or modified exceeds by a greater sum than Rs. 5,000 the estimated net cost of executing the scheme as sanctioned, the Board shall not, without the previous sanction of Government, proceed to execute the scheme as altered or modified.

If the scheme as altered or modified involves the acquisition, otherwise than by agreement, of any land other than that specified in the schedule accompanying the scheme under Section 30 (d), the provisions of Sections 29, 30 and this section shall apply to the part of the scheme so altered or modified, in the same manner as if such altered or modified part were the scheme.

Street Schemes.

32. Whenever the Board is of opinion

Board to have power to make a street formation scheme.

that for the purpose of providing building sites for the expansion of the City, or of

remedying the defective ventilation of any part of the City, or of creating new or increasing the existing means of communication and facilities for traffic between various parts of the City, it is expedient to form new or to alter or rearrange existing streets in any part of the City, the Board may pass a resolution to that effect, and shall forthwith proceed to make a street formation scheme.

33. (1) The street formation scheme

Particulars which shall accompany a street formation scheme.

shall be accompanied by maps and particulars, and—

(a) may provide for forming new streets, or for altering, widening, diverting, raising, rearranging or reconstructing existing streets ;

(b) may provide for the acquisition in addition to the land required for the purposes of the last preceding clause of any land, with the buildings, if any, standing thereon, fronting or abutting on such intended or existing street, as it shall seem expedi-

ent for the Board to acquire and for the raising and levelling-up of such additional land ;

(c) may provide for raising, levelling-up and otherwise laying out for building purposes any lands vested or at any time vesting in the Board ;

(d) may provide for constructing dwellings for the poorer and working classes including the whole or part of such classes displaced by the scheme and for acquiring, raising and levelling-up any land required for such purpose.

(2) The scheme shall specify the lands to be acquired.

34. Upon completion of a street formation scheme the provisions of Sections 29, 30 and 31 shall, with

Procedure on the completion of a street formation scheme.

all necessary modifications, be applicable to the scheme in the same manner as if the scheme were an improvement scheme.

Reclamation Schemes.

35. Whenever the Board is of opinion

Board to have power to make a reclamation scheme.

that it is expedient for the purposes of this Act to reclaim any area being part of the

foreshore vested in the Board under this Act, the Board may pass a resolution that it is expedient to reclaim such area as aforesaid, and shall forthwith proceed to make a reclamation scheme in respect of such area.

Particulars which shall accompany a reclamation scheme.

36. The reclamation scheme shall be accompanied by maps and particulars, and—

(a) may provide for reclaiming, excavating, enclosing and raising the whole or any part of such area ;

(b) may provide for laying out the area to be reclaimed by forming streets.

37. Upon completion of a reclamation scheme the provisions of Sections 29 (a), 30 and 31 shall, with

Procedure on the completion of a reclamation scheme.

all necessary modifications, be applicable to the scheme in the same manner as if the scheme were an improvement scheme.

the same manner as if the scheme were an improvement scheme.

Police Accommodation Schemes.

38. When a representation is made

Board to have power to make a Police accommodation scheme.

by Government to the Board that within any part of the City accommodation is required for housing any part of the Presidency Police, the Board shall take such

required for housing any part of the Presidency Police, the Board shall take such

representation into their consideration, and, if satisfied of the sufficiency of their resources and that it is otherwise expedient, shall pass a resolution to the effect that a scheme for providing such accommodation ought to be made, and shall forthwith proceed to make a Police accommodation scheme.

(1) The Police accommodation scheme shall be accompanied

Particulars which shall accompany Police accommodation scheme.

by maps and particulars, and may provide for constructing

dwellings and accessory buildings (including stables for the horses of the mounted branch) for any or all classes of such Police, and for acquiring, raising and leveling up any land required for such purposes.

(2) The scheme shall specify the lands to be acquired.

39. Upon completion of a Police accommodation scheme,

Procedure on the completion of a Police accommodation scheme.

the provisions of Sections 29, 30, and 31 shall, with all

necessary modifications, be applicable to the scheme in the same manner as if the scheme were an improvement scheme.

40. (1) Upon the completion of any building constructed

Buildings on completion to be leased to Government on certain terms.

by the Board under Section 39, the building together with the land forming the site

thereof shall be leased to Government by the Board on a repairing lease to be determined on the expiration of the period fixed for repayment of the loan of which the moneys expended on the construction of the building and the cost (if any) of the acquisition of such site form a part, and the Government shall, during the period of such lease, pay yearly to the Board by way of rent (1) all rates and taxes payable by the Board in respect of the building and the site thereof; and, (2) all interest and sinking fund charges payable by the Board in respect of the expenditure incurred in the construction of the building and the cost (if any) of the acquisition of any land forming the whole or any part of the site of the building including the interest and sinking fund charges up till the completion of the building, and in case of the land forming the whole or any part of the site of the building (a) being included in the lands specified in Part II of Schedule C or in Schedule D, or (b) vesting in the Board under Section 53 (iii), 3 per cent. on the value of such last-mentioned land at a rate to be determined

by the Collector, regard being had in the case of (a) to the rate applicable to such land as specified in column 7 of the said schedules, and in the case of (b) to the amount determined under Section 61.

(2) Upon the expiration of any such lease, the building comprised therein shall vest absolutely in Government and the land forming the whole or any part of the site of the building shall forthwith—

(a) If, or so far as, such land is included in the lands specified in Part II of Schedule C, or is land vesting in the Board under Section 53 (iii), revert in Government, and the capital debt (if any) due by the Board under Section 59 in respect of such land, and the liability of the Board under Section 61 in respect of such land, shall be reduced proportionately.

(b) If, or so far as, such land is included in the lands specified in Schedule D, be leased by the Board to Government for the remainder of the term for which such land is vested in the Board under Section 53, and the Government shall pay to the Board in respect of such land such yearly rent as may then be agreed upon.

(c) If, and so far as, such land shall have been acquired by the Board, vest in Government.

General.

41. (1) No new street, if made for carriage traffic, shall be less than 40 feet in width, nor, if made for foot traffic only, shall be less than 20 feet in width:

Provided that where in an improvement or street or reclamation scheme or otherwise, wherever continuously for the whole length of a street provision is made for garden or open space on one or both sides of such street, on such terms as to preclude such space being built over, when the total space between the buildings on opposite sides of the street, including such garden or open space, is not less than 40 feet, the street between such buildings need not, if made for carriage traffic, be more, and shall not be less, than 20 feet in width, and, if made for foot traffic only, need not be more, and shall not be less, than 10 feet in width.

(2) The Commissioner shall, on being satisfied that any street formed by the Board has been duly levelled, paved, metalled, flagged, channelled, drained and sewered in the manner provided for in the plans of any scheme sanctioned by Government and that such lamps, lamp posts and other apparatus as are in his opinion necessary for the lighting thereof have been provided by the Board, declare such street to be a public street, and such street shall thereupon vest in the Corporation, and the Corporation shall thenceforward maintain, keep in repair, light and cleanse such street.

(3) Any open space reserved for ventilation in any part of the City, and provided by the Board as part of any scheme sanctioned under this chapter, shall be transferred, on completion, to the Commissioner for maintenance at the expense of the Corporation, and shall thereafter vest in the said Corporation :

Provided that the Commissioner may, if necessary, require the Board, previous to the said transfer, to enclose, and, if necessary, provide lamps or other apparatus for lighting any such open space.

(4) Any dispute which arises between the Board and the Commissioner in respect of any of the provisions of this section shall be determined by Government, whose decision shall be final.

Acquisition of Land.

42. Subject to the provisions of this Act, it shall be lawful for the Board to agree with the owners of any lands or of any interest in lands needed by the Board for the purposes of this Act for the purchase of such lands or of any interest in such lands.

43. Notwithstanding anything contained in the Land Acquisition Act, 1894 (in this section referred to as "the said Act"), the said Act shall not, except to the extent set forth in Schedule A, apply to the acquisition of land under this Act, but the said Act shall, to the extent set forth in the said schedule, regulate and apply to the acquisition of lands otherwise than by agreement, and shall for that purpose be

deemed to form part of this Part of this Act in the same manner as if enacted in the body hereof; subject to the provisions of this Part of this Act and to the provisions following (namely) :—

- (1) A reference to any section of the said Act shall be deemed to be a reference to such last-mentioned section, as modified by the provisions of this Part of this Act.
 - (2) In the construction of sub-section (2) of Section 4 of the said Act and the provisions of this Part of this Act, the provisions of the said sub-section shall, for the purposes of this Act, be applicable immediately upon the passing of a resolution under Section 25, 32, 35 or 38 of this Act, and the Board shall be deemed to be the Local Government and 24 hours' notice shall be deemed to be 7 days' notice.
 - (3) In the construction of the said specified sections of the said Act and the provisions of this Part of this Act, the publication of a declaration under Section 31, 34, 37 or 39 of this Act shall be deemed to be the publication of a declaration under Section 6 of the said Act.
 - (4) In the construction of Section 9 (2) and Section 10 of the said Act and the provisions of this Part of this Act, a period of 7 days shall be deemed to be the period of 15 days.
 - (5) In the construction of Section 50, sub-section (2), of the said Act and the provisions of this Part of this Act, the Board shall be deemed to be the local authority or company concerned.
 - (6) (a) For the purposes of this Part of this Act, a Tribunal of appeal shall be constituted as hereinafter mentioned to perform the functions of the Court.
- of the Court under the said Act, and, in the construction of the said Act and the provisions of this Part of this Act, the Tribunal of appeal shall be deemed to be the Court, and the award of the Tribunal, or, in the event of disagreement, the award of the majority of the Tribunal, shall be deemed to be the award of the Court, and shall, subject to the provisions for appeal hereinafter contained, be final, and the President of the Tribunal shall be deemed to be the Judge.

- (b) The decision of all questions of law and procedure shall in every case rest solely with the President.
- (c) Such Tribunal of appeal shall consist of three members, that is to say, of a President (who shall be a special Judicial officer) and two assessors. The President and one of the assessors shall be appointed by Government by notification in the *Bombay Government Gazette*; the other assessor shall be appointed by the Corporation: Provided that any person who is a Trustee under this Act, or who, by reason of the provisions of Section 16, is disqualified to be a Trustee, shall be disqualified to be a member of the Tribunal.
- (d) Members of the Tribunal of appeal shall be appointed for a term of one year, and any such member shall be eligible for re-appointment.
- (e) It shall be lawful for Government, if it think fit, to remove for inability, or misbehaviour, or other good and sufficient cause, any member of the Tribunal of appeal.
- (f) Upon the occurrence of any vacancy in the Tribunal of appeal, or during the temporary absence through illness or other unavoidable cause of any member thereof, the Government or the Corporation (as the case may be), whichever of them shall have appointed the member of the Tribunal whose place shall be vacated, shall appoint forthwith a fit person to be a member (either temporary or permanent) of the Tribunal in lieu of the member whose place is vacated or who is temporarily absent as aforesaid.
- (g) Each member of the Tribunal of appeal shall be entitled to such remuneration, either by way of monthly salary or by way of fees, or partly in one way and partly in the other, as the Government may from time to time fix.
- (h) The remuneration mentioned in clause (g) and the cost of any special clerical or other establishments which shall be necessary shall be paid by the Board.
- (i) Any order of the Tribunal of appeal may be enforced by the High Court of Judicature at Bombay as if it had been an order of that Court.
- (k) In all cases in which the amount of the compensation awarded by the Tribunal of appeal shall exceed Rs. 5,000, or in any case upon the grant of a certificate by the Pre-

sident that the case is a fit one for appeal, there shall be an appeal to the High Court from the award, or any part of the award, of the Tribunal, so far as the award or any part thereof declares (i) the right of any particular person or persons to receive the compensation awarded or (ii) the apportionment of the compensation among the persons interested.

(7) In determining the amount of compensation to be awarded for any land or building acquired under this Act, the following further provisions shall apply:—

- (a) The Court shall take into consideration any increase to the value of any other land or building belonging to the person interested likely to accrue from the acquisition of the land or the acquisition or demolition of the building.
- (b) When any addition to, or improvement of, the land or building has been made after the date of the publication under Section 29 or 34 of this Act of a notice stating the fact of an improvement or street scheme having been made, such addition or improvement shall not (unless it was necessary for the maintenance of the building in a proper state of repair) be included, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made, so as to increase the amount of compensation to be paid for the land or building.
- (c) In estimating the market value of the building at the date of the publication of declaration relating thereto under Section 29 or 34 of this Act, the Court shall have due regard to the nature and then condition of the property and the probable duration of the building in its existing state and to the state of repair thereof and to the provisions of clauses (d), (e) and (f) of this sub-section.
- (d) When the owner of the land or building has, within twenty-four months preceding the date of the publication of a declaration under Section 31 or 34, made a return under Section 155 of the Municipal Act of the rent of the land or building, the rent of the land or building shall not in any

such case be deemed to be greater than the amount of such return.

(e) If in the opinion of the Court the rental of the land or building has been enhanced by reason of its being used for an illegal purpose, or being so overcrowded as to be dangerous or injurious to health of the inmates, the rental shall not be deemed to be greater than the rental which would be obtainable if the land or building were used for legal purposes only, or were occupied by such a number of persons only as it was suitable to accommodate without risk of such over-crowding.

(f) If in the opinion of the Court the building is in a state of defective sanitation, or is not in reasonably good repair, the amount of compensation shall not exceed the estimated value of the building after being put into a sanitary condition, or into reasonably good repair, less the estimated expense of putting it into such condition or repair.

(g) If in the opinion of the Court the building being used or intended or likely to be used for human habitation is not reasonably capable of being made fit for human habitation, the amount of compensation shall not exceed the value of the materials, less the cost of demolition.

44. When the Collector has made an award under Section

Collector to take possession after making award and transfer land to the Board.

11 of the Land Acquisition Act, 1894, and the provisions of this Part of this Act, he

may take possession of the land which shall thereupon vest absolutely in Her Majesty free from all encumbrances, and the Collector shall upon payment of the cost of the acquisition, and upon the Board agreeing to pay any further costs which may be incurred on account of the acquisition of the land, transfer the land to the Board, and the land shall thereupon vest in the Board.

IV.—BORROWING POWERS.

45. The Board may from time to time

Power to borrow from Government or other persons.

borrow or re-borrow and take up interest from the Secretary of State for India in

Council, or, with the previous sanction of the Government of India from any other person, any sum necessary for the purpose of defraying any costs, charges or expenses

incurred or to be incurred by them in the execution of this Act, inclusive of any debit balance which shall be chargeable to Capital under Section 69.

46. Whenever the consent of Govern-

Government to direct manner in which money shall be borrowed from other persons.

ment has been obtained to the raising of money by the Board from any person other than the Secretary of

State for India in Council under the last preceding section, Government shall, with the previous consent of the Government of India, direct and appoint the manner in which such money shall be raised.

47. If such money shall be raised on

Interest on debenture loans to form charge prior to interest due to the Secretary of State or Corporation.

debentures bearing interest, such interest shall constitute a charge on the revenue of the Board prior to the charge for interest

payable to the Secretary of State for India in Council and to the Corporation under Section 59.

48. The Board shall either pay off the

Provision for sinking fund to repay money borrowed.

money borrowed under the provisions of the preceding sections by equal yearly

or half-yearly instalments of principal or of principal and interest, or they shall in every year set apart as a sinking fund and accumulate in the way of compound interest, by investing the same in the purchase of public securities, such sum or sums as will, with accumulations in the way of compound interest, be sufficient after payment of all expenses to pay off the moneys so borrowed within the period sanctioned.

49. The investment every year or every

Dates fixed for investment of sinking funds in public securities.

half-year of any sum set apart as part of the principal of a sinking fund shall be

made within fifteen days after the day on which the payment of interest is due by the Board in respect of the loan for repayment of which such sinking fund is established; and the investment of any sum received by the Board on account of interest on moneys forming part of a sinking fund already invested, shall be made within one month from the day on which such interest is received.

50. In no case shall the period for

Period over which loans may extend.

the repayment of any loan exceed sixty years, and when money

is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not, unless with the sanction of Government of India extend beyond the unexpired

portion of the period for which the original loan was sanctioned.

51. When money is raised by the Board on debentures, the debentures shall be in the form of Schedule B, or in such other form as the Board, with the previous consent of Government, shall from time to time determine.

The holder of any debenture in the form of Schedule B, or in any form duly authorized under this section, may obtain in exchange therefor, upon such terms as the Board shall from time to time determine, a debenture in any other form so authorized.

Every debenture issued by the Board shall be transferable,—

- (a) if it is in the form of Schedule B, by endorsement, and
- (b) if it is in any other form, in such manner as shall be therein expressed.

The right to sue in respect of the moneys secured by debentures issued under this section shall vest in the respective holders thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

52. Notwithstanding anything contained in Section 45,

the Board may take from any Bank credit on a cash account to be opened and kept with such Bank in the name of the Board to the extent of any loan sanctioned under Section 45, and may grant mortgages, subject to the provisions of this Act, of lands and property vested or vesting in or belonging to the Board, or any part thereof, in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with the interest thereon.

V.—PROPERTY AND LIABILITIES.

Transfer of Property to the Board.

53. Immediately upon the date which shall be notified under Section 10, there shall vest in the Board for the purposes of this Act—

- (i) All the estate, right, title and interest of Her Majesty in and to the several lands specified in Part I of Schedule C and shown on the deposited plans;

Particulars of property vested in Board.

Government vacant lands to be reserved as open spaces.

Provided that—

(1) Save as hereinafter provided in this sub-section the Board shall not at any time build or in any way encroach, or permit any other person to build or in any way encroach, upon the said lands or on any part thereof, the intention being that the said lands shall remain open spaces and shall be reserved for the recreation of the public, subject to such regulations as the Board may from time to time deem proper to make for the effectual carrying out of the said intention ;

(2) The Board may, from time to time, with the special sanction of Government, reserve and enclose any part of the said lands for any temporary purpose, and may from time to time, upon the application of an Athletic Club or Association, at their discretion, allot, reserve and let on sufferance lease at such nominal or other rent as the Board may approve, parts of the said lands for the use of such Club or Association ;

(3) The Board shall not be liable for the cost of any works for the drainage of such of the said lands as are referred to as "the Flats" which may be undertaken as part of or in connection with any scheme sanctioned by the Corporation for reducing the level of subsoil water in the City.

(4) Nothing in this section shall be deemed to interfere with or limit the right—

- (a) of the Board to let the whole or any part of the lands referred to as "the Flats" for cultivation or for the storage of goods and to permit the erection thereon of such temporary structures as may be necessary for the protection of such goods or for any purpose other than human habitation ;
- (b) of the Military authorities to reserve and use for military purposes the area referred to in Part I of Schedule C as plot 'C.'

(ii) All the estate, right, title and interest of Her Majesty in and

to the several lands specified in Part II of Schedule C (subject to the right there in reserved of temporary occupation by Government of certain premises) and shown on the deposited plans, and all the estate, right, title and interest vested in the Corporation in the several lands specified in Schedule D and shown on the deposited plans, until such time as the whole of the said last-men-

Other Government vacant lands and land belonging to the Corporation.

tioned lands, or as to any part thereof until such time as such part shall be let on lease by the Board, and thereafter as to the whole or any such part for a further period which shall be determined—

- (a) where the lease granted by the Board is a non-renewable lease, upon the expiration of such lease ;
 (b) where the lease granted by the Board contains a clause for the renewal of the lease :

- (1) when a renewed lease shall have been entered into, upon the expiration of such renewed lease ;
 (2) when a renewed lease shall not have been entered into, upon the expiration of a period equivalent to the maximum term for which the lease granted was expressed to be renewable :

(1) Provided that no unrenewable lease shall be granted for a period of more than 99 years, and that in no case shall the aggregate duration of the term of a renewable lease, and of the term for which such lease shall be expressed to be renewable, exceed 99 years.

Proviso as to aggregate term for which such lands may be leased by the Board.

(2) Provided also that any portion of the lands specified in Schedule C which shall be required by Government for a public purpose, or of the lands specified in Schedule D which may be required for any Municipal Departmental purpose, may at any time be resumed by Government or by the Corporation as the case may be, and all claims of the Board in respect of the land so resumed shall be satisfied by a proportionate reduction of their capital debt (the amount of such reduction to be determined by the Collector, regard being had to the rate applicable to such land as specified in column 7 of Schedules C and D respectively), and by the payment to the Board of a reasonable allowance for the cost of all improvements effected by the Board on and to the land so resumed.

Proviso as to power of Government and the Corporation to resume lands required for a public or Municipal Departmental purpose respectively.

(3) The word lease for the purposes of this and the next succeeding sub-section shall be deemed to mean a lease required to be registered under the Registration Act.

(iii) The right to reclaim the bed of the sea, the property of Her Majesty within, the limits specified in

Reclamation rights of the Board.

Schedule E, and all the estate, right, title, and interest of Her Majesty to and in such lands as may be reclaimed by the Board within the limits specified as aforesaid, until such time as the whole of the areas reclaimed, or as to any part thereof, until such time as such part shall be let on lease by the Board and thereafter as to the whole or any such part for a further period which shall be determined in the manner provided by clauses (a) and (b) and the first proviso to sub-section (ii) :

Provided that—

(1) If on the expiration of a period of twenty years from the date which shall be notified under Section 10 the Board shall have failed to commence, or having commenced shall have abandoned, the reclamation of any area within the limits specified as aforesaid, the rights and property vesting in the Board in respect of such last-mentioned area under this sub-section shall forthwith be divested and shall revest absolutely in Her Majesty.

(2) Any portion of any area reclaimed, which shall be required by Government for a public purpose, may at any time be taken possession of by Government, and all claims of the Board in respect of the portion taken possession of as aforesaid shall be satisfied by the payment to the Board of a sum equivalent to the cost of the reclamation of such portion calculated at the average rate of the cost (inclusive of preliminary expenses, supervision and allowance for interest during construction) of the reclamation of the area reclaimed as aforesaid and the liability (if any) under Section 61 owing to the Government by the Board in respect of such portion shall be remitted.

(3) If, in the opinion of Government, the execution of any order or resolution passed by the Board, or the doing anything which is being done or is about to be done by or on behalf of the Board on or in respect of any area reclaimed, injuriously affects or is likely to affect the security of the defences or sanitary condition of the troops quartered in Bombay, such order shall not be executed and such

Proviso as to delay in exercising such rights.

Proviso as to power of Government to take possession of any reclaimed land required for a public purpose.

Proviso giving Government power to require their previous sanction to anything likely to injuriously affect the security of the defences or sanitary condition of troops.

thing shall not be done without the previous sanction of Government.

(4) No building shall be erected on any area reclaimed within

Proviso that no building shall be erected in vicinity of batteries within limits to be determined by the Government of India.

the arcs of fire of the guns of any battery as determined by the Government of India, or within such distance of any battery

as the Government of India may determine as aforesaid.

(5) The Board shall have no claim against Government

Proviso that Board shall have no claim in respect of any orders issued under the two last-preceding provisos.

for compensation on account of any loss or damage to their interests, immediate or prospective, due to

any order or prohibition issued by Government under the provisions of the two last-preceding provisos.

54. Upon the determination of the

Revesting of property in Government and Corporation respectively on the termination of leases granted by the Board.

further period mentioned in sub-sections (ii) and (iii) of the preceding section, the property vested in the Board under this

section in any part of the lands specified in Part II of Schedule C and in Schedule D, and of the lands reclaimed within the limits specified in Schedule E, shall, as to the part thereof in respect of which such further period shall have determined, be forthwith divested and such part of such lands shall revert absolutely in Her Majesty or in the Corporation, as the case may be, and the capital debt of the Board under Section 59 and the liability of the Board under Section 61 shall be reduced proportionately.

General Powers as to Property.

55. The Board shall, for the purposes of this Act, have

Power to the Board to acquire and hold property.

power to acquire and hold moveable and immoveable property,

whether within or without the City, and shall also, for the purposes and subject to the provisions of this Act, have power to—

(1) to let on hire or lease any moveable or immoveable property which may have become vested in or acquired by them other than the lands specified in Part I of Schedule C;

(2) to sell and otherwise convey any moveable or immoveable property which may have become vested in

or acquired by them other than the lands specified in Schedules C and D and any lands reclaimed within the limits specified in Schedule E.

56. The proceeds of the sale of any portion of the lands

Application of the sale-proceeds of lands or buildings vested in Board.

or buildings vested or vesting in the Board under this Act shall be applied either to

meet current capital expenditure or in liquidation of the principal sum of any debt contracted by the Board under Sections 46 and 47, if the same, or any portion of the same, is at the time payable, or by way of addition to the amount payable under Section 48 to the sinking fund in the said section mentioned.

57. The Board shall have power, subject to the provisions

Power to apply certain lands vested in the Board to the purposes of any scheme under the Act.

of this Act, to apply any of the lands vested in the Board under Section 53, other than

the lands specified in Part I of Schedule C, for the purposes of any scheme under this Act.

58. Where any part of the lands specified in Part II of

Adjustment of value of lands so applied.

Schedule C or in Schedule D shall have

been appropriated by the Board in making an open space or in forming a street, the capital debt due by the Board to the Secretary of State for India in Council or to the Corporation, respectively, shall be reduced by an amount equivalent to the value (to be determined by the Collector, regard being had to the rate specified in column 7 of Part II of Schedule C or of Schedule D respectively) of the land so appropriated.

Liabilities.

59. (1) The capital debts due by the Board on account

Particulars of capital debts due by the Board to Secretary of State and Corporation.

of the property vested in the Board by this Act are as follows:—

(a) to the Secretary of State for India in Council, the amounts mentioned in Schedule C;

(b) to the Corporation, the amounts mentioned in Schedule D.

(2) (a) On the capital debt due by the

No interest to be charged on capital debt on account of Government lands reserved as open spaces save as provided in Section 69 (3).

Board on account of the lands specified in Part I of Schedule C, no interest shall, save as provided in Section 69 (3), be payable by the Board.

(b) On the amounts mentioned in Part II

Liability for interest on debt on account of other Government lands and lands belonging to the Corporation.

of Schedule C and in Schedule D interest shall begin to accrue on (but not before) the 1st of April 1908,

at the rate of 3 per cent. per annum, and the Board shall pay to the Secretary of State for India in Council and to the Corporation, respectively, such interest as aforesaid on the 1st April 1909 and of every succeeding year:

(i) Provided that the Government of

India may, if they think fit, defer the date for the commencement of the

accrual of interest payable by the Board under this sub-section in respect of any portion of the lands specified in Part II of Schedule C or in Schedule D which shall on 1st April 1908 remain unleased, until such date (to be not later than the date of any lease executed by the Board in respect of such portion) as Government may determine.

Proviso enabling Government to defer date for commencement of liability for interest.

(ii) Provided also that upon any reduction

being made, as provided by Section 54 or otherwise, in the capital debt to the Secretary of State for India in Council, or to the Corporation, as the case may be, the interest payable by the Board under this sub-section shall be reduced in proportion to such reduction of capital debt as from the date thereof.

Proviso as to reduction in amount of debt on the expiry of the leases or otherwise.

60. The capital debt due to the Secretary of State for India in Council includes such expenditure as may have been incurred by the Secretary of State for India from the 1st August 1896 till the date which shall be notified under Section 10 in laying out the land described as the Chowpati Estate, or in laying water-pipes for protection against fire on the land described as the Cotton Green, in Part II of Schedule C, and such

preliminary expenditure as may, with the sanction of Government, have been incurred for the purposes of this Act previous to the date which shall be notified as aforesaid.

On account of the aforesaid expenditure interest shall begin to accrue on (but not before) the date which shall be notified under Section 10, at the rate of $3\frac{1}{2}$ per cent. per annum, and the Board shall repay the aforesaid sums, together with such interest as aforesaid, so soon as the Board shall have raised a loan for the purposes of this Act as hereinbefore provided.

61. For the first thirty years from the

date which shall be notified under Section 10, the Board shall have the free enjoyment of all rents and profits, not being rates on goods landed or shipped from the fore-

shore derivable from the areas reclaimed under Section 53 (iii).

Thereafter the Board shall pay annually on the 1st April to the Secretary of State for India in Council three per centum on the amount determined by deducting from the market value of the reclaimed areas the cost of effecting their reclamation.

Definition of terms "market value" and "cost of reclamation" for purposes of last preceding section.

62. For the purposes of the preceding section—

(1) "Market value" shall mean the market value, as determined by the Collector at the time the first payment for interest falls due, as the fair freehold value of such lands for building purposes: provided that the areas occupied by roads, wharves and rides, or any area along the sea front the reservation of which as an open space is necessary for protective purposes, shall be excluded in determining such value.

(2) "The cost of effecting their reclamation" shall mean the cost as determined from the audited accounts of the Board, which shall show the cost of each reclamation scheme separately, including the cost of preliminary expenses, supervision and an allowance for interest during construction, which shall be calculated up to the date of completion.

VI.—REVENUE AND EXPENDITURE.

Contribution from Municipal Fund.

63. (1) The Board shall have power to demand, and the Commissioner shall on such demand being made pay from the Municipal Fund to the credit of the Board, a yearly contribution towards the expenses of carrying out the purposes of this Act.

(2) This contribution shall be in two instalments:

The first payable on 1st April 1900, and of every succeeding year, shall be a lump sum not exceeding 2 per cent. on the total rateable value of buildings and lands in the City.

The first to be a lump sum not exceeding 2 per cent. on the total rateable value of buildings and lands in the City as entered in the Commissioner's Assessment-book of the preceding official year kept under Section 156 of the Municipal Act, exclusive of the rateable value of any buildings or lands entered in the said book as not liable to be assessed to the general tax.

The second instalment payable on 1st October 1900, and of every succeeding year, shall be limited to the amount arrived at by a division of accounts on the following basis, that is to say:—

Particulars of credits to be taken into account in making the division. (a) On the credit side shall be set—

- (i) The amount of the collections effected by or on behalf of the Corporation during the twelve months ending 31st March preceding on account of property taxes leviable under Section 140 (b) and (c) of the Municipal Act (but excluding the tax to provide for expense necessary for fulfilling the duties of the Corporation arising under clause (k) of Section 61 and Chapter XIV of the said Act) on lands and properties vested in the Board under this Act or which they may have created by reclamation or acquired for the purposes of this Act, whether such lands or properties are in the occupation of the Board or are let on lease to tenants of the Board.

(ii) An amount equal to the sums leviable at the rates from time to time in force on account of property taxes leviable under Section 140 (b) and (c) of the Municipal Act (but excluding the tax to provide for expense necessary for fulfilling the duties of the Corporation arising under clause (k) of Section 61 and Chapter XIV of the said Act) on lands and buildings of which the whole or any portion is situated within a distance of 80 feet from either side of the line of any new street formed by the Board; less an amount determined by applying the same rates as aforesaid in respect of the aforesaid taxes to the rateable value of the lands and buildings which were situated within the aforesaid limits as entered in the schedule accompanying the application for sanction to the scheme of which such new street formed part as required by Section 30 (2), clause (f), or Section 34.

(iii) A sum equal to 2 per cent. on the total rateable value of the lands and buildings in the City (so far as the same shall not have been already taken into account under either one or other of the last two preceding clauses) as entered in the Commissioner's Assessment-book of the current year kept under Section 156 of the Municipal Act, exclusive of the rateable value of any buildings or lands entered in the said book as not liable to be assessed to the general tax.

Particulars of debits to be taken into such account. (b) On the debit side shall be set—

- (i) A reasonable allowance for the cost of collecting the receipts referred to in this section.
- (ii) The actual cost incurred by or on behalf of the Corporation during the twelve months ending 31st March preceding, for the maintenance, lighting, watering and cleansing of new streets made over to the Corporation under Section 41.
- (iii) A reasonable allowance for the cost incurred by or on behalf of

the Corporation, during the twelve months ending 31st March preceding, for the maintenance and cleansing of drains and drainage works and of public latrines, urinals and similar conveniences, and the up-keep of sewage pumping stations, if any, within any area vested in the Board under this Act or which they may have created by reclamation or acquired for the purposes of this Act.

- (iv) A reasonable allowance for the performance of the obligatory duties imposed on the Corporation under clauses (c) and (p) of Section 61 of the Municipal Act in respect of such areas.

From the difference between the aggregate of these credits and debits respectively shall be deducted the payment made on the 1st April under sub-section (2) of this section, and the balance, if any, shall represent the sum to which the second instalment in each year shall be limited :

Provided that if the Commissioner fails to make any payment in this section directed to be made by him, Government may attach the Municipal Fund or any tax leviable by the Corporation, and thereupon the provisions of sub-sections (2) and (3) of Section 99 of the Municipal Act shall, with all necessary modifications, be deemed to apply to such attachment ;

Provided also that in case of any dispute between the Board and the Commissioner as to amounts to be severally debited and credited in making the division of accounts as herein laid down, the matter shall be determined by Government, whose decision shall be final.

Payments by Government.

64. Government shall pay to the Board, for a period of 99 years from the date which shall be notified under Section 10, all rents and profits derived by Government from the lands specified in Schedule F subsequent to the 31st August 1897.

Division of Accounts.

65. (1) During the period of fifteen years from the date which shall be notified under Section 10, or during such extended period as the Government of India may approve, the cost of management, including the salaries and allowances of the Chairman, Acting Chairman, Trustees and scheduled staff, and the expenses mentioned in Section 43, clause (6) (g), and all incidental expenses, shall be charged to Capital.

Thereafter such charges shall be apportioned between Capital and Revenue in such proportion as the Board, subject to the approval of Government, shall determine.

(2) The Capital account shall show the total expenditure (including a proportionate charge for the cost of management) incurred by the Board on each scheme separately, and shall distinguish between the expenditure incurred on—

- (a) the improvement of lands vested in the Board and specified in Part II of Schedule C ;
- (b) the improvement of lands vested in the Board and specified in Schedule D ;
- (c) the reclamation of any areas situate within the limits specified in Schedule E.

66. All receipts by the Board, including the sums recoverable under Section 63 and the rents and all other proceeds other than sale proceeds of lands or buildings vested or vesting in the Board under this Act, shall be carried to the credit of the General account.

67. (1) The General account shall be debited with—

- (a) all payments for interest and sinking fund charges due under Sections 45 to 49 (both inclusive) and all payments for interest charges due under Sections 59 (2) (b) and 61 ;

- (b) the cost, if any, of maintaining a separate establishment for the collection of the rents and other proceeds of lands vested or vesting in the Board under this Act; and
- (c) the amount of the cost of management apportioned to Revenue by the Board as provided by Section 65.
- (d) all payments made by the Board in respect of rates and taxes levied under the Municipal Act upon lands and buildings vested in the Board.

(2) The Board shall have power to advance any sums

Power to advance sums standing to the credit of the General account to meet current capital expenditure.

standing to the credit of the General account to meet current capital expenditure, and the amount of any sums so advanced shall be adjusted in the accounts of the year in which such sums are advanced.

68. The General account shall distinguish between all items included in the general account according as such items are in respect of—

The General account to distinguish between items in respect of Government lands, Corporation lands and reclamations.

- (a) lands vested in the Board and specified in Part II of Schedule C;
- (b) lands vested in the Board and specified in Schedule D;
- (c) the reclamation of any areas situate within the limits specified in Schedule E.

Disposal of Balances.

69. (1) Subject to the proviso hereinafter appearing, any credit balance which the General account shall disclose at the end of any year shall be applied in the manner provided under Section 56 for the application of the proceeds of sales of land vested or vesting in the Board under this Act.

Credit balances to be applied to meet current capital expenditure or to the reduction of debt on account of loans.

be applied in the manner provided under Section 56 for the application of the proceeds of sales of land vested or vesting in the Board under this Act.

(2) Any debit balance which the General account shall disclose at the end of any year shall be debited to Capital and met by the amount of such debit balance being included in the next loan to be raised under the provisions of Sections 45 to 47 (both inclusive), provided that the aggregate of the amounts

Debit balances to be charged to Capital.

disclosed at the end of any year shall be debited to Capital and met by the amount of such debit balance being included in the next loan to be raised under the provisions of Sections 45 to 47 (both inclusive), provided that the aggregate of the amounts

which may under this section be debited to Capital shall not exceed 15 per centum on the aggregate capital expenditure incurred by the Board for the purposes of this Act.

(3) Provided that all such debit and credit balances shall be entered in a separate account, and whenever and as often

Proviso as to the division of profits after the tenth year.

whenever and as often as subsequent to the completion of the tenth official year after the date which shall be notified under Section 10, such account made up to the end of the previous official year shall disclose a net credit balance, such net credit balance shall be applied as follows:—

(a) In or towards payment to the Secretary of State for India in Council of a sum which, if paid annually, would in 60 years from the date of the first of such payments liquidate the capital debt due by the Board on account of the lands specified in Part I of Schedule C, together with interest thereon at 3 per cent. per annum, until the whole of such capital debt together with interest thereon as aforesaid shall have been liquidated.

(b) The remainder (if any) of such net credit balance shall be disposed of as follows:—

(i) If it does not exceed the aggregate amount paid by the Corporation to the Board during that year under Section 63, such remainder shall be paid to the Corporation;

(ii) if it exceed the aggregate amount paid by the Corporation to the Board as aforesaid, such remainder shall be applied first in payment to the Corporation of a sum equivalent to the aggregate amount paid by the Corporation to the Board as aforesaid, and the surplus remaining after such payment shall be divided equally between Government and the Corporation, provided, however, that the sum payable to Government shall not in any case exceed half the total net profits from rents realised by the Board during that year in respect of the lands vested in the Board and specified in Part II of Schedule C and the reclamation

of any areas situate within the limits specified in Schedule E, and where the sum to be paid to Government under this proviso is less than half the amount of the said surplus, the whole of the balance of such surplus shall be paid to the Corporation:

Provided that all such payments shall be charged in the said separate account as of the year in which they are made.

Guarantee for fulfilment of Liabilities.

70. In the event of any default being made by the Board in any payment of interest due by the Board under Sections 46 and 47, or in any payment due by the Board under Section

Procedure in event of default being made by the Board in payment of interest or investment of sinking fund charges.

59 to the Secretary of State for India in Council or to the Corporation respectively, or in the event of the Board failing to pay or to set aside and invest any sum as required under Section 48, the Accountant General of Bombay, or other officer for the time being performing the duties of the office of the said Accountant General, shall make such payment, or set aside and invest such sum as may be required to be paid or to be set aside and invested as aforesaid, and the Commissioner shall forthwith pay from the Municipal Fund to the said Accountant General the amount of such payment made or the sum so set aside and invested by the said Accountant General as aforesaid, and thereupon the Corporation may and if required by Government shall levy any such special tax as may be approved by Government in this behalf and as may be sufficient to repay to the Municipal Fund the amount withdrawn by the Commissioner as aforesaid.

Such special tax shall be in addition to the taxes from time to time leviable under the Municipal Act.

71. If the Commissioner fails to make payment as required in the last preceding section, Government may attach the Municipal Fund or any tax leviable by the

Procedure in event of Commissioner failing to make payment as required by last preceding section.

Corporation, and thereupon the provisions of sub-sections (2) and (3) of Section 99 of the Municipal Act shall, with all necessary modifications, be deemed to apply to such attachment.

72. In the event of the Board making any default in payment, or failing to set aside and re-invest as aforesaid as contemplated in Section 70, Government may

attach the rents and other income of the Board, and thereupon the provisions of sub-sections (2) and (3) of Section 99 of the Municipal Act shall, with all necessary modifications, be deemed to apply to such attachment.

Annual Estimates.

73. The Chairman shall, at a special meeting to be held in the month of February in each year, lay before the Board an estimate of the income and of the expenditure of the Board for the year commencing on the first day of April then next ensuing, in such detail and form as the Board shall from time to time direct.

Such estimate shall make provision for the due fulfilment of all the liabilities of the Board and for the efficient administration of this Act and shall be completed and printed, and a copy thereof sent by post, or otherwise, to each Trustee, at least ten clear days prior to the meeting before which the estimate is to be laid.

74. The Board shall consider the estimate so submitted to them, and shall sanction the same either unaltered, or subject to such alterations as they shall think fit.

75. The estimate, as sanctioned by the Board, shall be submitted to the Government, which may, if it thinks fit, at any time within one month after receipt of the same, disallow such estimate, or any portion thereof, and return the same for amendment. The Board shall, if the estimate is so returned by Government, forthwith proceed to amend the same and shall re-submit the estimate so amended to the Government.

76. If, by reason of the date which shall be notified under Section 10, it be found impossible or inexpedient to hold such special meeting in the month of February

Transitory provision for submission and treatment of first estimates after date of constitution of the Board.

1898, a special meeting shall be held so soon thereafter as may be expedient, and the Chairman shall at such last-mentioned special meeting lay before the Board an estimate for the whole of the year commencing on the 1st day of April 1898, or for such part thereof as may at the date of such special meeting remain unexpired, as the case may be, and such estimate shall thereupon be dealt with in the manner prescribed in the three preceding sections.

77. The Board may, at any time during the year for which any such estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to them. Every such supplementary estimate shall be considered and sanctioned by the Board and submitted to the Government in the same manner as if it were an original annual estimate.

78. Save in cases of pressing emergency no sum exceeding five thousand rupees shall be expended by or on behalf of the Board, unless such sum is included in some estimate at the time in force which has been finally approved by Government, or is included in the amount payable by the Board under a decree of the High Court of Bombay.

If any sum exceeding five thousand rupees in amount is so expended on a pressing emergency, the circumstances shall be forthwith reported by the Chairman to the Government, together with an explanation of the way in which it is proposed by the Board to cover such extra expenditure.

Audit of Accounts.

79. The accounts of the receipts and expenditure of the Board shall, twice in every year, be laid before Government, and shall be audited and examined by such auditors as shall, from time to time, be appointed by Government.

For the purposes of such audit and examination, the auditors may, by summons in writing, require the production before

them of all books, deeds, contracts, vouchers, and all other documents and papers which they may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers, to appear before them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same.

The auditors shall be paid by the Board such remuneration as Government shall determine, the amount being debited to the General account; and within fourteen days after the audit and examination shall have been completed, the auditors shall forward their report upon the accounts to the Board, who shall cause the same to be published, together with an abstract of the accounts, in the *Bombay Government Gazette*.

VII.—OF THE OFFICERS AND SERVANTS OF THE BOARD.

Strength of Staff.

80. The Board shall from time to time prepare and sanction a schedule of the staff of officers and servants whom they shall deem it necessary and proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees and allowances which the Board sanctions for each such officer or servant:

Provided always that artisans, porters and labourers, and muccaduns of porters and labourers, shall not be deemed to be officers or servants within the meaning of this section or of the next section (except clauses (5), (6) and (7) thereof) or Section 82.

81. The Board shall from time to time frame regulations:

(1) for regulating the grant of leave to the officers and servants of the Board;

(2) for authorizing the payment of allowances to the said officers and servants, whilst absent on leave ;

Authorizing payment of leave allowances.

(3) for determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave ;

Determining amount of acting allowances.

(4) for regulating the period of service of all such officers and servants ;

Regulating period of service.

(5) for determining the conditions under which such officers and servants, or any of them, shall on retirement receive pensions, gratuities, or compassionate allowances, and the amount of such pensions, gratuities, or compassionate allowances :

Determining condition of grant of pensions.

Provided that it shall be in the discretion of the Board to determine whether all of such officers and servants, or any, and, if so, which of them, shall become entitled on retirement to any such pensions, gratuities, or compassionate allowances as aforesaid ;

(6) for authorizing the payment of contributions to Provident Fund, and subject to certain prescribed conditions to any Provident Fund which may, with their approval, be established by the officers and servants appointed under this Act, or to such Provident Fund, if any, as may be established by the Board for the benefit of such officers and servants ;

Authorizing contributions to Provident Fund.

(7) for determining the conditions under which pensions, gratuities or compassionate allowances may be paid to any such officers and servants injured, or to the surviving relatives of any such officers and servants killed, in the execution of their duty.

Determining conditions of grant of wound pensions or compassionate allowances.

Powers of Appointment, &c.

82. Subject to the provisions of the said regulations and of the schedule for the time being in force framed by the Board under Section 80, the power of appointing, promoting, suspending, dismissing, fining, reducing,

Appointments, &c., by whom to be made.

or granting leave to the officers and servants of the Board shall be exercised by the Chairman in the case of officers and servants whose monthly salary does not exceed three hundred rupees, and in every other case by the Board.

The power of dispensing with the services of any officer or servant of the Board, otherwise than by reason of such officer's or servant's own misconduct, or of permitting any such officer or servant to retire on a pension, gratuity, or compassionate allowance, shall, subject to the aforesaid provisions, be exercised by the Board alone.

83. Every order or regulation made by the Board under any of the three last preceding sections shall, so far as the same relates to the Secretary or Engineer, or Chief Accountant of the Board, be subject to the previous sanction of Government.

Orders affecting pay, &c., of certain officers to be subject to the sanction of Government.

In this section the word "Engineer" means the engineer of highest grade on the Board's ordinary staff, and also any superior officer who may from time to time be employed in the capacity of Consulting Engineer to the Board.

"Engineer" defined.

VIII.—BYE-LAWS.

84. The Board may, from time to time, make bye-laws :

Board empowered to make Bye-laws.

- (a) for the guidance of persons employed by them under this Act ;
- (b) for the management of the lands vested in the Board under Section 53 (i) ;
- (c) for the management, use and regulation of dwellings constructed for the poorer or working classes under any scheme ;
- (d) generally for carrying out the purposes of this Act.

The Board may also, from time to time, vary, alter, or revoke any such bye-laws so made by them.

85. No bye-law, or alteration or revocation of a bye-law, shall have effect until the same shall have been approved by Government, and such approval shall have been published in the *Bombay Government Gazette* ; and no bye-law, or alteration or revocation of a bye-

Approval and publication of bye-laws.

law, shall be approved by Government until the same shall have been published for three weeks successively in the said Gazette.

It shall be lawful for Government at any time by notification in the said Gazette to cancel any bye-law or regulation made and published under the provisions of this and of the last two preceding sections.

86. The Board may, in the bye-laws made under Section 84, prescribe such penalties as they shall

deem fit for the infringement of the same: Provided that no penalty for any one infringement of a bye-law shall exceed one hundred rupees, nor, in case of a continuing infringement, shall any penalty exceed fifty rupees per diem for every day after notice of such infringement shall have been given by the Board to the person guilty of such infringement.

87. The Board shall cause the said bye-laws to be printed in the English, Marathi and Gujarati languages, and to be hung up at convenient places.

IX.—PENALTIES.

88. Any person who being a Trustee, or an officer or servant of the Board, shall acquire, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of the Board, shall be deemed to have committed the offence made punishable by Section 168 of the Indian Penal Code:

Provided that nothing in this section shall apply to a person who is declared not to be disqualified or to be deemed to have a share or interest in any contract or employment by the second sub-section of Section 16.

89. Any person employed under this Act, not being a public servant within the meaning of Section 21 of the Indian Penal Code, who shall accept or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act, or for showing, or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for render-

ing, or attempting to render, any service or dis-service to any person, with the Board or with any public servant as such, or with the Government, shall be liable to the same punishment as is provided by the Indian Penal Code in the case of the like offence committed by a public servant.

90. Any person who shall refuse or neglect to appear before any auditor of accounts, or to produce any books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign any declaration when duly required so to do by any auditor of accounts under Section 79, shall be punished for every such neglect or refusal with fine which may extend to one hundred rupees.

91. All offences against this Act or against any bye-law made under Section 84 shall be cognizable by a Presidency Magistrate.

All fines and damages recovered from any offender shall be paid to the Board.

X.—MISCELLANEOUS.

92. Whenever any day by this Act appointed for any purpose shall happen to be a Sunday or a public holiday, the business appointed to be done on such day shall be done on the day next after such Sunday or public holiday.

93. The distances mentioned in this Act shall be measured in a straight line on a horizontal plane.

94. No suit or other proceeding shall be commenced against any person for anything done, or purporting to have been done, in pursuance of this Act without giving to such person one month's previous notice in writing of the intended suit or other proceeding, and of the cause thereof, nor after six months from the accrual of the cause of such suit or other proceeding.

The Board shall not be responsible for any mis-feasance, mal-feasance, or non-feasance of any officer or servant appointed under this Act; nor shall the Board, or any of the said officers or servants, be liable in damages for any act *bonâ fide* done, or ordered to be done, by them in pursuance of this Act.

SCHEDULE A.

(SEE SECTION 43.)

*Portions of the Land Acquisition Act, 1894,
regulating the acquisition of lands under
this Act.*

PART I.—Preliminary, except clauses (d), (e) and (f) of Section 3.

PART II.—Acquisition, except sub-section (1) of Section 4, Section 6, and sub-section (2) of Section 17.

PART III.—Reference to Court and Procedure thereon, except sub-section (2) of Section 23 and clauses (6) and (7) of Section 24.

PART IV.—Apportionment of Compensation.

PART V.—Payment.

PART VI.—Temporary occupation of land.

PART VIII.—Miscellaneous, except Section 54.

SCHEDULE B.

(SEE SECTION 51.)

Form of Debenture.

THE TRUSTEES FOR THE IMPROVEMENT OF THE
CITY OF BOMBAY.

The 18

By virtue of Act No. of 1898 of the
Council of the Governor of Bombay for making
Laws and Regulations, entitled "The City of Bom-
bay Improvement Act, 1898," we, the Trustees for
the Improvement of the City of Bombay, in consi-
deration of the sum of Rupees
paid to us by A. B. of , promise to pay
to the said , or order, the said sum of
Rupees after the date hereof, together
with interest at the rate of per centum
per annum, payable half-yearly on the day
of and the day of .

Given under our corporate seal this day
of 189 .

Seal

(Signatures of the Chairman
and two Trustees.)

SCHEDULE C.

Showing Lands the property of Her Majesty vested in the Board.

PART I.

Lands to be reserved as Open Spaces.

(SEE SECTION 53 (i).)

Consecutive Number.	Ward Number.	Survey Number.	Locality and Description.	Area.	Total Area.	VALUE.			Remarks.
						Rate per Square Yard.	Amount.	Total Value.	
1	2	3	4	5	6	7	8	9	10
			<i>Kennedy Sea Face.</i>	Sq. yds.	Sq. yds.	Rs.	Rs.	Rs.	
1	...	8426	(a) Bounded on the north by the road leading to the Charni Road level-crossing; on the south by a line drawn westwards in prolongation of the line of the south boundary of the Native Infantry Hospital; on the east by the Bombay and Baroda Railway; and on the west by the foreshore of Back Bay— Area occupied by ride and footpath. ... 23,914 Area west of ride ... 224,731	...	...	...	...	...
			(b) Bounded on the north by the southern boundary of plot (a); on the south by the road west of the Church Gate Street Station; on the east by the Bombay and Baroda Railway; and on the west by the foreshore of Back Bay ... 66,627	...	316,272	...	...	11,23,655	
			<i>Marine Lines Estate.</i>						
2	...	8453	Bounded on the north by Hospital Lane; on the south by Church Gate Street; on the east by the Esplanade and Mayo Roads; and on the west by the Marine Lines Road (Marine Street), but excluding the site of Government bungalow No. 41 (Municipal Ward No. 3528) and the area fronting the Marine Lines Road and described in Part II of this Schedule (item 1) and including the area reserved by Government Resolution No. 2 C. W.—4, dated 3rd January 1881, for Military purposes and referred to in that Resolution as Plot C...	† 141,229	141,229	10-00	14,12,290	14,12,250	† Making together with the area shown under item 1 of Part II of this Schedule a total area of 177,329 sq. yds.
			<i>Cooperage Plot.</i>						
3	...	9563	Bounded on the north by the Bandstand Circle; on the south by Wodehouse Road; on the east by a line drawn in prolongation southwards of the west side of Mayo Road; and on the west by the Queen's Parade Road ... † 66,178	...	66,178	10-00	6,61,780	6,61,780	† Making together with the area shown under item 2 of Part II of this Schedule a total area of 98,345 sq. yds.
			<i>Plot South of the Secretariat.</i>						
4	...	8434	Bounded on the north by the Elphinstone College and New Secretariat; on the south and west by the Mayo Road; and on the east by Hornby Road ... 17,700	...	17,700	25-00	4,42,500	4,42,500	
			<i>The Flats.</i>						
5	Comprising the portions of vacant land vested in Her Majesty and lying within the area bounded on the north by the road running from the Parel station on the G. I. P. Railway to Worli Village; on the south partly by Mahalaxmi and partly by Bellasis Road; on the east by the B. B. & C. I. Railway; and on the west by the sea ...	...	...	...	...	...	Figures to be entered.
			Total ...	...	540,379	...	...	36,40,164	

SCHEDULE C—continued.

PART II.

Other Lands.

(SEE SECTION 53 (ii)).

Consecutive Number.	Ward Number.	Survey Number.	Locality and Description.	Area.	Total Area.	VALUE.			REMARKS.
						Rate per Square Yard.	Amount.	Total Value.	
1	2	3	4	5	6	7	8	9	10
			<i>Marine Lines Estate.</i>	Sq. yds.	Sq. yds.	Rs.	Rs.	Rs.	
1	...	8452, 8453	Comprising a strip of ground 180 feet wide fronting the east side of the Marine Lines Road (Marine Street) and extending from the south side of the compound of Government bungalow No. 41 (Municipal Ward No. 3523) to the south side of the site formerly occupied by Government bungalow No. 43 (Municipal Ward No. 3509)	* 36,100		10-00	3,61,000		* Making together with the area shown under item 2 of Part I of this Schedule a total area of 177,329 sq. yds.
			<i>Cooperage Plot (Strangers Lines).</i>						
2	...	9562, 9563	Bounded on the north by Mayo Road; on the south by Wodehouse Road; on the east by Hornby Road; and on the west by a line drawn in prolongation southwards of the west side of Mayo Road, being the east boundary of the plot described under item 3 of Part I of this Schedule ...	+ 32,217	32,217	10-00	3,22,170	3,22,170	† Making together with the area shown under item 3 of Part I of this Schedule a total area of 98,345 sq. yds.
			<i>The Wodehouse Road Plot.</i>						
3	...	9561	Lying between the Wodehouse Road and the Colaba Causeway Roads and extending from the junction of these roads on the north to the boundaries of the Bombay and Baroda Railway and G. I. P. sidings and the Tramway Company's premises on the south, but excluding the site occupied by the Elphinstone College Students' quarters	53,732	53,732	10-00	5,37,320	5,37,320	
			<i>The Cotton Green.</i>						
4	The triangular plot bounded on the north by the Bombay and Baroda Railway premises; on the south by private land; and on the east by the Colaba Causeway	13,105	13,105	10-00	1,31,050	1,31,050	
			<i>The Old Saluting Battery Site.</i>						
5	...	9560	Bounded on the north by the Apollo Bandar Road; on the south by Lansdowne Road; on the east by Battery Street; and on the west by the Colaba Causeway	5,600	5,600	50-00	2,80,000	2,80,000	
			<i>The Crescent Site.</i>						
6	...	8493	The semicircular plot opposite the Sailors' Home and Elphinstone College, bounded on the north by Rampart Row... ..	31,957	31,957	25-00	7,98,925	7,98,925	
			Carried over ...	...	172,711	...	...	24,30,465	

SCHEDULE C—continued.

PART II—continued.

Consecutive Number.	Ward Number.	Survey Number.	Locality and Description.	Area.	Total Area.	VALUE.			REMARKS.
						Rate per Square Yard.	Amount.	Total Value.	
1	2	3	4	5	6	7	8	9	10
			Brought forward ...	Sq. yds. ...	Sq. yds. 172,711	Rs. ...	Rs. ...	Rs. 24,30,465	
7	...	9309	<i>Plot south of Old Town Barracks.</i> Bounded on the north by the Town Barracks occupied as Commissariat and Pay Offices; on the south and east by Mint Road; and on the west by Bazar Gate Street ...	2,018	2,043	30'00	61,440	61,440	
8	...	8463, 8464	<i>The Hornby Road Plot.</i> Lying between Waudby and Hornby Roads and extending from the junction of those roads on the north opposite the Victoria Terminus to the junction of the Esplanade and Hornby Roads on the south opposite the Frere Fountain, but excluding the sites occupied by— The John Cannon High School, The Frere Fletcher School, Alexandra Native Girls' English Institution, The Telegraph Signallers' Quarters, The Cathedral Boys' High School, Do. do. Girls' do., Do. do. Chaplain's Quarters, and including the site of the Government Mews and Engineer's Stores, subject to the right of Government to the unrestricted use of those premises pending their removal at the cost of the Board to another site to be approved of by Government—the plot, vested in the Board comprising— Areas leased 48,052 Areas occupied by roads ... 19,752 Vacant areas 53,897	48,052 19,752 53,897	121,701	20'00	10,77,940	10,77,940	
9	...	7298	<i>The Chaupati Estate.</i> Bounded on the north partly by a public passage leading to Gibbs' Road and partly by private properties (Survey Nos. 7299—7302); on the south partly by the Queen's Road and partly by the Sirri Road; on the east by the Gamdevi Road; and on the west by an irregular line extending from where the public passage forming the north boundary meets the Gibbs' Road to the Sirri Road:— (a) Land forming the Hill slope... 55,367 (b) Building land 92,658	55,367 92,658	148,025	10'00	9,26,580	9,26,580	
			Carried over ...	...	444,485	...	...	44,96,425	

SCHEDULE C—continued.

PART II—continued.

Consecutive Number.	Ward Number.	Survey Number.	Locality and Description.	Area.		VALUE.			REMARKS.
				Sq. yds.	Total Area.	Rate per Square Yard.	Amount.	Total Value.	
1	2	3	4	5	6	7	8	9	10
			Brought forward ...	...	444,485	...	...	44,96,425	
			<i>Triangular Plot south of Crawford Market.</i>						
10	...	8474	Bounded on the south by the Crawford Market; on the east by Falton Road; and on the west by ...	5,300	5,300	20'00	1,06,000	1,06,000	
			<i>Dispensary Plot.</i>						
11	...	8478	Bounded on the north by the Jaffer Suleman Dispensary; on the south by Salvation Army premises; on the east by the G. I. P. Railway; and on the west by the Hornby Road ...	1,642	1,642	20'00	33,840	33,840	
			<i>Plot north of Municipal Office.</i>						
12	...	8479	Bounded on the north partly by Police Magistrate's Court and partly by a public road; on the south by a private road; on the east by the Hornby Road; and on the west by the Cruickshank Road ...	6,800	6,800	30'00	2,04,000	2,04,000	
			<i>Police Lines Plot, Dadur.</i>						
13	Bounded on the north and east by private lands; on the south by the Dadur Road; and on the west by the G. I. P. Railway ...	5,234	5,234	10'00	52,340	52,340	
14	Parel Estate ...	330,439	330,439	3'00	9,91,317	9,91,317	
			Total ...	...	798,900	...	...	56,83,922	

SCHEDULE D.

(SEE SECTION 53 (ii).)

Showing lands the property of the Corporation vested in the Board.

Consecutive Number.	Ward Number.	Survey Number.	Locality and Description.	Area.	Total Area.	VALUE.		
						Rate per Square Yard.	Amount.	Total Value.
1	2	3	4	5	6	7	8	9
			CONNAUGHT ROAD ESTATES.	Sq. yds.	Sq. yds.	Rs.	Rs.	Rs.
			Ward E.					
1	.....	.....	Plot bounded on the north by vacant land, on the south by Sussex Road, on the east by land reserved for Health Department stables, and on the west by the Parel Road—					
			Plots A, B, C and D ...	1,529	...	9	13,761	...
			„ E, F, G and H ...	1,528	...	5	7,640	...
			Area reserved for road.	1,290	...	5	6,450	...
			Plots I, K, L and M ...	2,817	...	5	14,035	...
2	.....	.....	Plot bounded on the north by Sussex Road, on the south by lands sold to private persons fronting the Connaught Road, on the east by land sold to Mr. Tyebally Mahomedally, and on the west by plots sold to private persons fronting the Parel Road—					
			Plots Nos. 6 to 16 inclusive.	4,263	...	6	25,578	...
3	.....	.....	Plot bounded on the north by vacant land, on the south by the Connaught road, on the east by the Ghurapdeo road, and on the west by the Sussex Road—					
			Plots Nos. 19 to 40 inclusive.	15,752		5	78,760	
			Total, Connaught Road Estates.		27,179			1,46,274
			AGRIPADA ESTATE.					
			Ward D.					
4	3880 (1)	3410	Arthur Road ...	7,750	...	3-25	25,188	...
5	3879	3409	Do. ...	6,996	...	2-50	17,490	...
			Carried over ...	14,746	...	...	42,678	...
				...	27,179	...	...	1,46,274

SCHEDULE D—continued.

Consecutive Number.	Ward Number.	Survey Number.	Locality and Description.	Area.	Total Area.	VALUR.			
						Rate per Square Yard.	Amount.	Total Value.	
1	2	3	4	5	6	7	8	9	
				Sq. yds.	Sq. yds.	Rs.	Rs.	Rs.	
			Brought forward ...	...	27,179	...	...	1,46,274
			AGRI-PADA ESTATE—contd.	14,746	...	...	42,678	...
			Ward E—continued.						
6	4257 (5)	$\frac{1}{3179}$	} Agripada ...	9,748	...	2-50	24,370	...	
7	7203 to 7206	$\frac{1}{3455}$ $\frac{1}{3456}$		8,975	....	3 00	26,925	...
8	4544, 4547, 4548, 4264	3480		2,468	...	3 75	9,255	...	
9	4520, 4535, 4543, 4263	...		...	...	...	13,000	...
10	4567	3479 3480		17,740	...	3-50	62,090	...	
11	5935-36, 4564, 4267 (2) (3) (4) (6), 4268 to 4263, 4352, 4353 (1) (2), 4354, 4355	$\frac{1}{3481}$ $\frac{1}{3146}$ 3479		16,482	...	3-50	57,687	...	
12	4257 (2).	...		106	...	...	44,893	...
13	4427-28, 4090, 4091, 4094 (1) (2), 4095 to 4099, 4101 to 4108, 4145, 4146	3498		59,708	...	3-00	1,73,124	...	
14	4430 (1)	3499		249,163	...	3-00	7,47,489	...	
15	4457-59	$\frac{1}{3533}$		Ripon Road ...	21,447	...	3-60	77,209	...
16	4066-67	$\frac{1c}{3503}$		Arthur Road...	8,679	...	3-63	31,461	...
17	4072-74	$\frac{1}{3531}$		Ripon Road ...	6,105	...	3-00	18,315	...
18	4566	$\frac{1}{3480}$		Haines Road...	6,393	...	4-25	27,170	...
				Total, Agripada Estate...		421,760	18,55,606
			LANDS AT MATUNGA.						
			Ward F.						
19	7804	808	Now Dadar-Matunga Road.	3,558	...	1-00	3,558	...	
			Carried over ...	3,558	...	...	3,558	...
				...	448,939	...	...	15,01,940

SCHEDULE D—continued.

Consecutive Number.	Ward Number.	Survey Number.	Locality and Description.	Area.		VALUE.							
				Sq. yds.	Total Area.	Rate per Square Yard.	Amount.	Total Value.					
1	2	3	4	5	6	7	8	9					
				Sq. yds.	Sq. yds.	Rs.	Rs.	Rs.					
			Brought forward ...	...	448,939	...	...	15,01,940		
			LANDS AT MATUNGA—contd.	3,558	...	...	3,558	...			
			Ward F—continued.										
	7781	P 16 926	New Dadar - Matunga Road.	}	}	}	}	}					
	P 7780	P 17 926											
	P 7779	P 18 926											
	P 7778	P 19 926											
20	P 7707	P 2 927							3,791	...	1-50	5,687	...
	P 7773	P 1 9-4											
	P 7772	P 2 924											
	P 7767	P 6 924											
	7770	4 A 924											
21	7800	W 1 928							48	...	1-00	}	}
22		W 1 928	313	...	1-00								
23	P 7692, P 7784(1)	P 81 925, P 13 926	128	...	1-00	}	}						
24	P 7782, 7783	P 14 926, W 15	1,256	...	1-00								
25	7769	W 4 924	858	...	1-00			7,220	...				
26	7768	W 5 924	652	...	1-25								
27	7730	W 53 925	411	...	1-25								
28	7733, 7735	W 57 & 55 925	916	...	1-00								
29	P 7700	72, 925	110	...	6-00								
			Carried over ...	12,041	...	...	16,465	...			
				...	448,939	...	...	15,01,940			

SCHEDULE D—continued.

Consecutive Number.	Ward Number.	Survey Number.	Locality and Description.	Area	Total Area.	VALUE.		
						Rate per Square Yard.	Amount.	Total Value.
1	2	3	4	5	6	7	8	9
				Sq. yds.	Sq. yds.	Rs.	Rs.	Rs.
			Brought forward	448,939	15,01,940
				12,041	16,465	...
			LANDS AT MATUNGA—contd.					
			Ward F—continued.					
30	P 7735	W 51 A 925	New Dadar-Matunga Road.	761	...	2.25	93,141	
31	7736	W 52 925		777	...	1.50		
32	7731	W 54 926		145	...	3.00		
33	P 7729	P 80 925		853	...	1.75		
34	7707	P 80 925		167	...	1.00		
35	P 7707	P 80 925		238	...	1.00		
36	7728	W 80 A 926		153	...	1.00		
37	P 7725	P 79 925		47	...	1.00		
38	Nil.	925		560	...	1.00		
39	7430	W 4 862		22	...	1.00		
40	7429	W 5 862		285	...	1.00		
41	7417, 7422	W 1 & 2 A 863		475	...	1.00		
42	7399	W 3 8.1		863	...	1.00		
43	7405	W 1 869		384	...	1.00		
44	7403	W 2 865	299	...	1.00			
45	7412	W 1 866	2,798	...	1.25			
46	7404	W 1 870	265	...	1.25			
47	7402	W 3 870	266	...	1.25			
			Carried over ...	21,399	49,606	
				...	448,939	15,01,940

SCHEDULE D—continued.

Consolidative Number.	Ward Number.	Survey Number.	Locality and Description.	Area.		VALUE.			
				Sq. yds.	Sq. yds.	Rate per Square Yard.	Amount.	Total Value.	
1	2	3	4	5	6	7	8	9	
				Sq. yds.	Sq. yds.	Rs.	Rs.	Rs.	
			Brought forward ...	...	448,939	...	...	15,01,940
			...	21,399	...	...	49,606	...
			LANDS AT MATUNGA—contd.						
			Ward F.—continued.						
48	7407	W 5 870	New Dattar-Matunga Road.	591	...	1.25			
49	7403	W 2 870		530	...	1.25			
50	7408	W 4 870		651	...	1.25			
51	P 7131	P 1 872		6,766	...	1.30			
52	7030	872		395	...	1.00			
53	7031, 7032	P 1 & 2 W 872		}	6,344	...	1.75		
	7037	W 9 877							
	7389	W 1 A 874							
54	7390	W 1 873		}	3,139	...	1.25		
	7331	W 2 873							
55	...	W 3 873			86	...	1.00		
56	7045	W 1 877			95	...	1.25		
57	7042	W 4 877		53	...	1.25			
58	7044	W 2 877		1,098	...	1.00			
59	7043	W 3 877		1,788	...	1.00			
60	7049	W 1 906	}	4,119	...	1.25	56,783	...	
61	7050	W 2 906							
62	7051, 7056	W 1 & 2 905		2,034	...	...	
			Carried over ...	49,138	...	...	106,389	
				...	448,939	...	...	15,01,940

SCHEDULE D—continued.

Consecutive Number.	Ward Number.	Survey Number.	Locality and Description.	Area.	Total Area.	VALU.		
						Rate per Square Yard.	Amount.	Total Value.
1	2	3	4	5	6	7	8	9
				Sq. yds.	Sq. yds.	Rs.	Rs.	Rs.
			Brought forward ...	...	448,939	...	..	15,01,940
			LANDS AT MATUNGA—contd.	49,138	...	...	1,06,389	...
			Ward F—continued.					
63	7054	W 7 905	New Dadar-Matunga Road.	357	...	1.50		
64	7055, 7052	W 3, 4 & 5 905		2,491	...	1.50		
65	P 6835	P 4 1109		21,542	...	1.75		
66	7130	W 4 1111		371	...	0.75		
67	7131	W 5 1111		476	...	0.75		
68	P 7121, 7122	P 1, W 2 1114		2,162	...	0.75		
69	7289	W 1 1143		503	...	0.75		
70	7162	W 1 1173		109	...	0.75		
71	7161	W 2 1173		108	...	0.75		
72	7163	W 1172		2,185	...	0.75		
73	6824	1238		183	...	1.25		
74	P 6823	P 1 1237		1,665	...	7.25		
75	6825	W 1 1237		961	...	0.575		
76	6783	W 7 1242		415	...	0.875		
77	6789	W 2 1242		3,453	...	0.875	12,870	...
	6818, 6819	W 3, W 4 1236						
78	P 6791	P 1 1235	8,877	...	0.875			
79	6794, 6797	W 2, W 5 1233	847	...	0.875			
80	6799	W 7 1233	1,118	...	0.875			
			Carried over ...	96,961	...	...	1,19,259	
				...	448,939	...	...	15,01,940

SCHEDULE D—continued.

Consecutive Number.	Ward Number.	Survey Number.	Locality and Description.	Area.	Total Area.	VALUE.		
						Rate per Square Yard.	Amount.	Total Value.
1	2	3	4	5	6	7	8	9
				Sq. yds.	Sq. yds.	Rs.	Rs.	Rs.
			Brought forward ...	...	448,939	...	...	15,01,940
				96,961	...	...	1,19,259	...
			LANDS AT MATUNGA--contd.					
			Ward F--continued.					
81	P 6449, 6450	P 2 1195	New Dadar-Matunga Road.	1,035	...	3-00	6,564	...
82	6635	7 1206		762	...	3-00		...
83	6636, to 6639	W 2, 3, 4, 5 1206		391	...	3-00		...
	P 6814	P 2 1232		2,948	...	1-75	5,159	...
	6813	W 3 1232						
	6624	W 1 1209						
84	P 6625	P 2 120						
	6634	P 7 A 1206						
	6623	8 1206		1,156	...	1-25	1,445	...
85	6640, 6632	W 1-9 1206						
86	P 6454	P 1 1134	1,066						...	2-50	2,665	...
87	P 797 ("") 829 (2), 830 & 798	P 1 2089	2,823	...	4-00	24,344	...	
88	6591	10 1213	3,263	...	4-00			
89	765	P 1 2080	12,173	...	1-40	46,461	...	
	766	W 2 2080						
90	766	P 3 2080	4,420	...	1-40			
91	768	P 1 2024	16,594	...	1-40			
			Carried over ...	143,594	...	...	2,05,897	...
				...	448,939	...	...	15,01,940

SCHEDULE D—continued.

Consecutive Number.	Ward Number.	Survey Number.	Locality and Description.	Area.	Total Area.	VALUE.		
						Rate per Square Yard.	Amount.	Total Value.
1	2	3	4	5	6	7	8	9
				Sq. yds.	Sq. yds.	Rs.	Rs.	Rs.
			Brought forward ...	...	448,939	...	...	15,01,940
				148,594	...	...	2,05,897	...
			LANDS AT MATUNGA—cont'd.					
			Ward F—continued.					
92	P 775 (1)	P 1 2026	New Dadar Matunga Road.	1,123	...	1-00	1,123	...
93	P 775 (2)	P 1 A 2026		8,376	...	0-50	4,188	...
	743 (1) 743 (3A)	P 1 2031						
	744	A 2030						
94				21,367	...	0-60	15,266	...
95				1,367	...	0-60		
96	P 742	P 1 2036		948	...	0-60		
97				948	...	0-60		
98				813	...	0-60		
99	P 742	P 2 2036		1,204	...	4-50	5,418	...
100	P 687	P 1 2036	717	...	3-00	2,153	...	
101	6800	12 1232	606	...	1-00	1,142	...	
102	6802	W 10 1232	536	...	1-00			
103	7109	W 6 1119	679	...	0-60	610	...	
104	7112	W 2 1117	338	...	0-60			
105	778	2 2027	500	...	1-00	500	...	
106	777	1 2027	610	...	1-00	610	...	
107	776,779	3-4 2027	2,114	...	1-00	2,114	...	
108	769	2 2028	767	...	1-00	767	...	
			Carried over ...	186,607	...	...	2,39,788	...
				...	448,939	...		15,01,940

SCHEDULE D—continued.

Consecutive Number.	Ward Number.	Survey Number.	Locality and Description.	Area.	Total Area.	VALUE.			
						Rate per Square Yard.	Amount.	Total Value.	
1.	2	3	4	5	6	7	8	9	
				Sq. yds.	Sq. yds.	Rs.	Rs.	Rs.	
			Brought forward ...	...	448,939	...	...	15,01,940
				186,607	...	...	239,788	...
			LANDS AT MATUNGA—contd.						
			Ward F—continued.						
109	770	$\frac{1}{2028}$	New Dadar-Matunga Road.	3,325	...	1-00	3,325	...	
110	7401, 7400	$\frac{5, 1-2}{871}$		}	5,737	...	1-00	5,737	...
	7423 to 7423	$\frac{4, 5, 6, 7, 8, 9}{863}$							
	7422	$\frac{2A}{863}$							
111	7327	$\frac{2}{1130}$		}	1,331	...	0-60	799	...
	7249	$\frac{5}{1151}$							
	7241, 7243	$\frac{6}{1152}, \frac{4}{1152}$							
112	7251	$\frac{3}{1151}$		}	8,950	...	0-75	6,713	...
	7137-38	$\frac{4-5}{1174}$							
	7288 (1-2), 7287, 1164	$\frac{2-3}{1143}, \frac{1}{1171}$							
113	7288 (1), 7165, 7167	$\frac{2}{1143}, \frac{2-4}{1171}$			3,627	...	0-75	2,520	...
114	7111, 7113	$\frac{1-3}{1117}$	}	3,723	...	0-60	2,234	...	
	7118	$\frac{2}{1116}$							
115	7236, 6767	$\frac{2}{1153}, \frac{1}{1243}$	}	6,712	...	0-75	5,034	...	
	6684, 6683	$\frac{3}{1254}, \frac{2}{1254}$							
	6741, 6784	$\frac{5}{1247}, \frac{6}{1242}$							
	6678, 6762	$\frac{4}{1255}, \frac{6}{1243}$							
	7319	$\frac{2}{1132}$							
			Carried over ...	220,012	...	...	2,66,150	...
				...	448,939	...	...	15,01,940

SCHEDULE D—continued.

Consecutive Number.	Ward Number.	Survey Number.	Locality and Description.	Area.	Total Area.	VALUE.		
						Rate per Square Yard.	Amount.	Total Value.
1	2	3	4	5	6	7	8	9
				Sq. yds.	Sq. yds.	Rs.	Rs.	Rs.
			Brought forward ...	...	448,939	...	...	15,01,940
				220,012	...	...	2,66,150	...
			LANDS AT MATUNGA—contd.					
			Ward F—continued.					
116	7244, 7239	$\frac{3}{1152}$ $\frac{5}{1153}$	New Dadar-Matunga Road.	5,415	...	0.75	4,060	...
	6795-96, 6798	$\frac{3, 4, 6}{1233}$						
	6820, 6743	$\frac{4}{1237}$ $\frac{3}{1247}$						
	6675-76 6778, 6782	$\frac{6-7}{1255}$ & $\frac{1-5}{1241}$						
117	7818	$\frac{1}{1132}$		3,804	...	0.60	2,282	...
118	7409	868		2,187	...	1.00	2,187	...
119	7119, 7116	$\frac{1-4}{1116}$ $\frac{4}{1117}$	New Dadar-Matunga Road.	2,197	...	0.50	1,098	...
	7114							
120	6816	$\frac{1}{1236}$		23	...	...	1,641	...
121	7325, 7323	$\frac{4}{1130}$ $\frac{1}{1131}$		3,436	...	0.60	2,062	...
122	7107	$\frac{2}{1119}$		1,037	...	0.75	777	...
123	6803 (1)	Western portion of $\frac{7A}{1232}$		309	...	0.75	232	...
124	6801	$\frac{11}{1232}$		559	...	0.75	419	...
125	6821, 6579	$\frac{3}{1237}$ $\frac{1}{1233}$	New Dadar-Matunga Road.	2,240	...	0.75	1,680	...
	6792	& $\frac{1}{1234}$						
126	7125, 7126	$\frac{1-2}{1112}$ and western portion of		3,732	...	0.75	2,799	...
			Carried over ...	244,951	...	...	2,85,387	...
				...	448,939	...	...	15,01,940

SCHEDULE D—continued.

Consecutive Number.	Ward Number.	Survey Number.	Locality and Description.	Area.	Total Area.	VALUE.								
						Rate per Square Yard.	Amount.	Total Value.						
1	2	3	4	5	6	7	8	9						
				Sq. yds.	Sq. yds.	Rs.	Rs.	Rs.						
			Brought forward ...	...	448,939	...	...	15,01,940			
				244,951	...	...	2,85,387	...				
			LANDS AT MATUNGA—contd.											
			Ward F—continued.											
127	7132,7133	$\frac{1-2}{1110}$	} New Dadar-Matunga Road.	} 529	}	} 0.75	} 398	}						
	7804	$\frac{1}{808}$												
128	7242,7254	$\frac{5}{1152}$ $\frac{5}{1150}$												
	7172,6783	$\frac{1}{1169}$ $\frac{7}{1242}$							} 6,982	}	}	}	}	}
	7269	$\frac{1}{1148}$												
129	7166 (1) 7127 (2)	$\frac{3}{1171}$												
	7160 (2)	Western part of 1111 and northern part of $\frac{3}{1173}$							} 9,818	}	}	}	}	}
	7115,7108	$\frac{5}{1116}$ $\frac{1}{1119}$												
130	7106,7104	$\frac{5}{1119}$ $\frac{3}{1119}$							} 3,984	}	}	}	}	}
131	7179 (1)	$\frac{3}{1.67}$												
132	7326,7324	$\frac{3}{1130}$ $\frac{2}{1131}$							} 3,023	}	}	}	}	}
	6642 (1) 6641	The whole of the north portion of $\frac{1}{1204}$ up to $\frac{1}{1205}$ of $\frac{1}{1204}$												
133									} 3,593	}	}	}	}	}
	6642 (1) 6641	The whole of the north portion of $\frac{1}{1204}$ up to $\frac{1}{1205}$ of $\frac{1}{1204}$												
134	6793	$\frac{2}{1234}$	} 3,710	}	}	}	}	}						
135	7771	$\frac{3}{924}$												
136	7801,7802	$\frac{2-3}{923}$	} 323	}	}	}	}	}						
			} 660	}	}	}	}	}						
			} 845	}	}	}	}	}						
			} 278,418	}	}	}	}	}						
			} 278,418	}	}	}	}	}						
			} 448,939	}	}	}	}	}						
			Carried over ...	...	...	...	3,09,985	...			
			...	448,939	...	...	...	15,01,940			

SCHEDULE D—continued.

Consecutive Number.	Ward Number.	Survey Number	Locality and Description.	Areas.	Total Area.	VALUE.			
						Rate per Square Yards.	Amount.	Total Value.	
1	2	3	4	5	6	7	8	9	
				Sq. yds.	Sq. yds.	Rs.	Rs.	Rs.	
			Brought forward ...	...	448,939	...	...	15,01,940
				278,418	...	...	3,09,985	...
			LANDS AT MATUNGA—contd.						
			Ward F—continued.						
137	7053, 7055	$\frac{5-6}{905}$	}	2,566	...	1-00	2,566	...	
138	6817	$\frac{2}{1236}$		1,855	...	0-75	1,391	...	
	6679 (1), 6641	$\frac{3}{1265} \frac{1}{1205}$		}	3,755	...	0-75	2,816	...
139	6651, 6652	$\frac{2-3}{1199}$ on the east side thereof, also on the side thereof, &c.							
	6643 (1)	1203							
140	7039	$\frac{7}{877}$		576	...	0-75	432	...	
141	7040, 7041, 7038	$\frac{5,6}{877} \& \frac{8}{877}$		New Road from Dadar to Matunga.	883	...	0-75	662	...
142	7182 (2)	1166		}	448	...	0-75	1,559	...
	7179 (1) 7181	$\frac{3}{1167}$			1,361	...			
	7197	1163							
144	7194 to 96	$\frac{1, 2, 3}{1164}$			5	...			
145	7173-78	$\frac{1, 2, 3, 4, 5, 6}{1168}$		265	...				
146	7828	$\frac{52}{810}$, 72 & 104		...	...	...	...	...
147	7847, 7849	$\frac{3, 4}{810} \frac{8-11}{513}$ & others.		...	...	...	...	...
148	7826-27	$\frac{3-4}{810}$	5,156	...	0-35	1,804	...		
			Carried over ...	295,288	...	...	3,21,215	...
				...	448,939	...	...	15,01,940

SCHEDULE D—concluded.

Consecutive Number.	Ward Number.	Survey Number.	Locality and Description.	Area.	Total Area.	VALUE.		
						Rate per Square Yard.	Amount.	Total Value.
1	2	3	4	5	6	7	8	9
				Sq. yds.	Sq. yds.	Rs.	Rs.	Rs.
			Brought forward ...	...	448,939	...	...	15,01,940
				295,288	...	...	3,21,215	...
			LANDS AT MATUNGA—contd.					
			Ward F.—continued.					
149	7924	$\frac{10}{811}$	} New Road from Dadar to Matunga.	1...	...	...	...	...
150	784	$\frac{6}{812}$		...	...	...	...	...
	7398, 7329	$\frac{1}{1127}, \frac{1}{1129}$		6,829	...	0.75	5,122	...
151	7330, 7331	$\frac{2}{1129}, \frac{3}{1129}$						
	7732	$\frac{4}{1129}$						
			Total, Lands at Matunga..	...	302,117	...	...	3,26,337
			GRAND TOTAL ...	...	751,056	...	...	18,28,277

SCHEDULE E.

(SEE SECTION 53 (iii).)

Showing the limits within which the right to reclaim the bed of the sea vests in the Board.

Colaba.—The foreshore below high water mark extending southwards from a point opposite the foot of the south approach to the Wodehouse Bridge along the west side of Colába to the extreme limit of Colaba Point.

Walkeshwar and Mahalaxmi.—The western foreshore of the Island below high water mark extending from Worli Fort to Malabar Point.

SCHEDULE F.

(SEE SECTION 64.)

Showing lands leased by Government between 1st September 1898 and the date of the Constitution of the Board.

Locality.	Description.	Area.	Terms of Lease.
		Sq. yds.	
*	*	*	*
*	*	*	*
And such other lands as may be leased prior to the date notified under Section 10.			

City of Bombay Improvement Bill, 1898.

STATEMENT OF OBJECTS AND REASONS.

There is no city in India, and there are probably few in the Empire, in which the population is so densely packed as in Bombay, and the overcrowding, both of localities and buildings, is a standing menace to health, and is especially dangerous on the occasion of any outbreak of sickness of an epidemic character.

2. As long ago as in 1864, Dr. A. H. Leith, in a report on the sanitary state of the Island, recommended that advantage should be taken of the health-giving sea breezes to ventilate the town by opening up avenues, from 80 to 100 feet wide, running from the sea-shore on the west towards the east, and he pointed out that several such avenues might be made with great benefit to health. Similar views were from time to time expressed in annual Municipal Administration Reports. More recently the Extension Committee which reported in 1887 made a series of recommendations for roads in their opinion necessary, "so that the town and island may be traversed with the least possible interruption and that the prevailing winds may sweep freely through the whole fort, town and island."

3. Up to the present, however, hardly any such new roads have been made, and in the densely populated localities where the evil is most serious, nothing has been done except such widening of existing streets as could be effected by the necessarily slow process of "set-backs." The subject has from time to time been discussed, but financial considerations have proved a bar to action and time and the resources of the Corporation have been devoted principally to the important matters of water-supply and drainage.

4. In the meantime the evil has become intensified. Between 30 and 40 per cent. of the population is concentrated in areas forming together between 3 and 4 per cent. of the area of the Island, and the density of the population in these areas is double and in parts more than three times that of the most crowded areas in London. The mortality per thousand of population in these districts from all causes in 1896 varied from 52.15 to 68.09, the rate for the whole City being 40.71. Over a large section of these districts the ground area per person is under 10 square yards and the overcrowding and consequent air pollution are appalling. The Health Officer records that the six sections of highest mortality are the six most densely populated sections, containing the darkest and dampest buildings, and that five out of the six are the sections of the worst drainage and soil pollution.

It may be added that the improved facilities for communication, especially by sea with the coast ports, has largely increased the visiting population, which is now enormous and tends to greatly intensify overcrowding. At the docks and the native passenger wharf alone over 1½ millions embark and disembark annually.

5. In the early part of 1896 the overcrowded condition of the City attracted the special attention of His Excellency the Governor, who made a personal inspection of several of the localities and found a condition of things of which any real description would seem incredible.

6. Later on the outbreak of bubonic plague occurred and soon became epidemic. This besides being the cause of a heavy mortality had a disastrous effect on trade and commerce. It was found that the chief condition influencing its occurrence in localities was defective ventilation, the incidence of the disease being greatest in the worst ventilated and most densely populated areas. Overcrowding made inspection, the detection of cases, and the proper application of sanitary remedies almost impossible. The searching investigation into the sanitary conditions which followed brought prominently to notice a very large number of dwellings, which besides being dangerously overcrowded were highly insanitary, being defective in ventilation and so shut in as to be deprived of light and air and in many cases wholly unfit for human habitation.

The Presidency Police for the most part at present receive house-rent allowance and are allowed to make their own arrangements for quarters. These allowances are shared between Government and the Corporation in the proportion of 1 to 3. The European members of the force find the utmost difficulty in securing accommodation and the Natives live in overcrowded tenements in slums where the sanitary conditions are almost as bad as they can possibly be. The force in consequence is not nearly so efficient as it would be if properly distributed and suffers from a very high rate of mortality, and the provision of proper quarters is an urgently necessary city improvement.

7. With a view to effectually remedying these conditions, the Bill provides for the improvement of the City by forming new and altering existing streets, by removing or altering insanitary buildings, by providing open spaces for better ventilation and for recreation, and by constructing new sanitary dwellings for certain classes of the inhabitants of the City and for the Presidency Police.

8. It is found on investigation that it will be possible by suitably aligning the new streets so urgently necessary for the improved ventilation of the densely populated parts of the City, to take up a large proportion of the insanitary dwellings in certain localities as either a part of the street or as frontage lands abutting thereon. The principle of adopting the alignment which will secure this in the largest degree is obviously one that will regulate the conception of projects of this class.

9. These projects, primarily designed, as explained, for the improvement of the ventilation of densely crowded localities, but involving also the acquisition of a large number of insanitary and other dwellings, will displace a considerable portion of the population. To provide for this it is proposed to fill in and lay out by constructing roads, &c., extensive tracts of vacant land to the north of the City including* certain Municipal lands, and to provide thereon, either at the expense of the proposed Trust or by private agency or both, improved sanitary *chawls* and dwellings. The lands referred to are situated in the vicinity of the lines of the existing railways and the one proposed by the Port Trustees, and can be also served by extensions of the tramway, so as to possess easy means of communication with both business and industrial centres.

* Schedule D of Bill.

10. During the last twenty-five years a very large area of land in the aggregate has been occupied for building purposes and there has been an enormous development in the provision of dwellings of a superior class. The privately owned frontage at Chaupati, the Hornby Road and the Colaba Causeway frontages, the Mody Bay Imperial Estate, the Mody Bay and Elphinstone Port Trust Estates, the Apollo reclamation, both the frontages on the road leading up Malabar Hill, frontages at Colaba on the Wodehouse Road, and a very large number of sites at Walkeshwar, Cumballa Hill and Breach Candy have all been built over in the period referred to. This activity still continues, and it is remarkable that in a great many instances costly residences are being erected on sites which are undeniably unsuitable, restricted in area badly situated, and shut in. With these facts in view, it is proposed to lay,

† Schedule C, Part II, of Bill.

out certain vacant lands, the property of Government,† suitable for the purpose, and to reclaim and lay out such portions of the foreshore on the west side of Colaba Point and at Walkeshwar as can be reclaimed at no great expenditure owing to the natural level being considerably above low-water mark. The sites thus made available will be well adapted for residential purposes and will extend over long reaches of sea front with a westerly aspect, those at Colaba being in proximity to the business centres and those at Walkeshwar being no further removed than the sites recently taken up in such numbers in the same locality. The experience of the Port Trustees has shown that reclamations under such circumstances can be effected at remunerative cost; that sites made available on such reclamations, when properly laid out, command a ready market and are profitable for the investment of capital in building.

11. The draft Bill accordingly makes provision for the future expansion of the City by acquiring and laying out vacant lands and by reclaiming and laying out parts of the foreshore of the Island.

12. Lastly, the Bill provides for the appointment of a Board of Trustees endowed with special powers to carry out the objects of the scheme. The reasons for this proposal are explained in a letter addressed by Government to the Municipal Corporation in the following terms :—

“ 3. The cost of a scheme of this comprehensive character will be very considerable, and that aspect of the question will, it is apprehended, be regarded by the Corporation as a very serious one. The balance of their borrowing powers will no more than suffice to meet the cost of essential sewerage and storm water drainage schemes, extensions of the water-supply mains and other requirements of a more or less obligatory nature, which are incidental to the sound municipal administration of every large city. A scheme which will effectually remedy the serious evils referred to and render the City immune, as far as is sanitarily possible in these respects, from the devastation of epidemic attacks of disease, is in fact as entirely beyond the financial means of the Corporation as it is outside the range of duties for the discharge of which the provisions of the Bombay Municipal Act have been specifically designed and adapted. The Municipal Executive admittedly have a sufficiently burdensome task in administering the general affairs of the City, and it is felt that for the measures now in contemplation it is imperative, both for general management and prompt executive action, that there should be a special agency with a separate staff at liberty to devote their entire energies to the particular task before them.

“ 4. The Governor in Council, I am to say, fully recognizes the success of municipal administration in Bombay, as exemplified, for instance, by the magnificent water-supply works which constitute an achievement of which any city might be proud ; but he is of opinion that a scheme of the character now in contemplation, requiring persistent and long-sustained efforts on systematic lines, involving so many varied purposes, with the prospect of an almost infinite number of questions of detail, both in management and execution, and in which, moreover, large proprietary interests of Government will be involved, is essentially one that should be entrusted to a small administrative body, with special powers to raise funds, acquire property and execute the necessary works.

“ 5. The proposal which most commends itself to the Governor in Council to carry out the scheme, the main features of which are indicated in this letter, is that a Board of Trustees be constituted, on which the Corporation shall be strongly represented. It is intended that this Trust shall, in constitution and powers, very closely follow the lines on which the Port Trust was formed. In practical working that body has most deservedly earned cordial approbation, both official and public, and it may be said that there is a general feeling of confidence in this form of administration. The idea of such a Trust is not, I am to add, a new one, a prominent precedent being the City of Glasgow Improvement Trust, which was constituted for similar purposes, and has been most successful in its results.”

The proposal has received the approval of the Municipal Corporation as well as that of the Chamber of Commerce and the Board of Trustees for the Port of Bombay.

13. Part I, (Sections 1 and 2) *Preliminary*, requires no explanation.

14. Part II, (Sections 3 to 24) dealing with the *Constitution of the Board*, follows closely the lines of the Bombay Port Trust Act, 1879. Section 5 provides for the representation of the Corporation and other interests.

15. Part III, (Sections 25 to 44) dealing with *Duties and Powers*, including the sections relating to land acquisition, follows generally the lines of the English Housing the Working Classes Act. With regard to the acquisi-

tion of land or buildings (Sections 42—44), the provisions of the Land Acquisition Act, 1894, have (with a few exceptions noted in Schedule A of the Bill) been made applicable. Sub-section (6) of Section 43 provides for constituting a Tribunal of appeal to perform the functions of the Court under the Land Acquisition Act. Sub-section (7) of the same section of the Bill explains the further matters to be considered in determining compensation, *i.e.*, in addition to the matters set forth in Section 23 (except sub-section (2)) of the Land Acquisition Act.

16. Part IV, (Sections 45 to 52) relating to *Borrowing Powers*, follows the lines of the City of Bombay Municipal Act and the Port Trust Act, and includes provision for the institution of sinking funds to extinguish debts created by raising loans for the purposes of the Act.

17. Part V (Sections 53 to 62) vests in the proposed Board the several *properties* with which they are to be empowered to deal, and specifies their *liabilities* in respect to such properties. Section 59 (2) (a) provides that no interest shall be charged on the capital debt on account of certain areas specified in Part I of Schedule C which are to be reserved as open spaces for recreation. These areas are the absolute property of Her Majesty the Queen Empress and are available for sale in the interests of the tax-payers generally. Any permanent acquisition of these lands for local purposes without consideration would be at the expense of the tax-payers; but until they are acquired and reserved, there is always a risk of their being appropriated to other purposes. The design is to secure them to the perpetual use of the citizens under the administration of the Trust by an annual payment sufficient to liquidate their capital value in a term of sixty years, but such payment will not begin to be made until the Board accounts show a clear net credit balance.

Provision is made for the resumption by Government and the Corporation, respectively, of any of their lands vested in the Board required for public or for Municipal departmental purposes, respectively, and for the reversion in both cases to the respective owners of all lands on the expiration of the period for which the Board is empowered to lease them.

The Schedules referred to in this Part of the Draft Bill may still require some alteration in respect of items, areas, values and description.

18. Part VI, (Sections 63 to 79) *Revenue and Expenditure*.—Section 63 relates to the sum which the Corporation are to contribute annually to meet the cost of the improvements. The rate of 2 per cent. on the total rateable value has been determined by calculations based on careful estimates of the probable receipts and expenses of the Board extending over a period of twenty-five years, taking into account the provision made in Section 69 (2) for charging any debit balances to capital up to a certain maximum.

Section 69 refers to the disposal of balances and makes equitable provision for a division of profits so soon as the scheme shall become remunerative.

Sections 70—72 provide for a formal guarantee of the several loans to be raised. Constituted and controlled as proposed, the Board will not be in a position to incur liabilities not fully covered by their resources.

Section 79 makes provision for a half-yearly official audit of the accounts and for their due publication.

19. The remaining chapters (VII to X, Sections 80 to 94) deal with the officers and servants of the Board, Bye-laws, Penalties and Miscellaneous provisions. They contain formal provisions which require no separate explanation. They follow generally the lines of the Port Trust Act, 1879.

29th January 1898.

(Signed) SANDHURST.

By order of His Excellency the Right Honourable the Governor,

S. L. BATCHELOR,

Secretary to the Council of the Governor of Bombay
Bombay, 29th January 1898. for making Laws and Regulations.